

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**ORGANIZATIONAL**  
**SESSION OF 1995**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, JANUARY 10, 1995**



**VOL. 1**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. Listing of legislative days, with calendar dates and pages on which each day begins;
3. Topic index of resolutions;
4. Miscellaneous index, including all items not categorized as resolutions;
5. Sponsor index, listing all resolutions alphabetically by author;
6. Senate joint resolution, Senate resolution numerical index, with short titles;
7. House joint resolution numerical index, with short titles;
8. Act index;
9. Numeric act index.

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**ORGANIZATIONAL SESSION OF 1995**  
**FIRST LEGISLATIVE DAY**  
**TUESDAY, JANUARY 10, 1995**

This being the second Tuesday in January, A.D., 1995, and the day fixed by law and the Constitution of the State of Alabama for the Organizational Session of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery, at the Alabama State House, at 12 o'clock Noon, and was called to order by the Honorable McDowell Lee, Secretary of the Senate.

**PRAYER**

The Session was opened with prayer by Senator Albert Lipscomb, Thirty-Second Senatorial District.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lisa Helms, of the Senate Staff.

## **CERTIFICATE OF ELECTION**

At the direction of the Secretary of the Senate, the following Certificate of Election from the Secretary of State was read, to-wit:

### **STATE OF ALABAMA**

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that:

Pursuant to the Code of Alabama, 1975, as amended, the results of the General Election held in Alabama on November 8, 1994, were opened and counted and the results so tabulated are attached hereto listing those duly elected members of the Alabama State Senate as follows:

District 1, Bobby Denton; District 2, Tom Butler; District 3, Tommy Ed Roberts; District 4, Don Hale; District 5, Charles Davidson; District 6, Roger Bedford; District 7, Dewayne Freeman; District 8, Lowell Barron; District 9, Hinton Mitchem; District 10, Roy Smith; District 11, Dell Hill; District 12, Doug Ghee; District 13, Gerald Dial; District 14, Bill Armistead; District 15, John Amari; District 16, J. T. "Jabo" Waggoner; District 17, Jack Biddle, III; District 18, Roger M. Smitherman; District 19, Edward "E.B." McClain; District 20, Sundra Escott-Russell; District 21, Phil Poole; District 22, Pat Lindsey; District 23, Hank Sanders; District 24, Charles Steele, Jr.; District 25, Larry Dixon; District 26, Charles D. Langford; District 27, T.D. (Ted) Little; District 28, George Clay; District 29, Chip Bailey; District 30, "Walking" Wendell Mitchell; District 31, Dwight Adams; District 32, Albert Lipscomb; District 33, Michael A. Figures; District 34, Hap Myers; District 35, Steve Windom.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed hereto, at the Capitol, in the City of Montgomery, on this 6th day of January, 1995.

JIM BENNETT,  
Secretary of State  
State of Alabama.

## **OATH OF OFFICE**

Upon the request of the Secretary of the Senate, the Honorable McDowell Lee, the following Senators-elect came forward, presented their credentials, and the Honorable Richard L. Holmes administered to them the oath of office prescribed by the Constitution of the State, and each Senator-elect came forward and subscribed his name to the oath of office as follows:



**1st Day**

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.

"Dwight L. Adams, John E. Amari, William C. "Bill" Armistead, Jr., Chip Bailey, Lowell Barron, Roger H. Bedford, Jr., Jack Biddle, III, Tom Butler, George H. Clay, Charles Davidson, Bobby E. Denton, Gerald Dial, Larry Dixon, Sundra Escott-Russell, Michael A. Figures, Dewayne Freeman, Doug Ghee, Don Hale, Dell Hill, Jr., Charles D. Langford, W. H. "Pat" Lindsey, Albert Lipscomb, T.D. "Ted" Little, Edward D. "E.B." McClain, Wendell Mitchell, Hinton Mitchem, H.E. "Hap" Myers, Jr., Phil Poole, Tommy Ed Roberts, Henry "Hank" Sanders, Roy E. Smith, Rodger M. Smitherman, Charles Steele, Jr., J.T. "Jabo" Waggoner, Steve Windom."

**ROLL CALL**

Whereupon on a call of the roll, the following Senators answered to their names, which was a quorum of the Senate:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

**ELECTION OF OFFICERS**

The Secretary of the Senate announced that the next order of business was the election of officers as follows: President Pro Tempore and Assistant Secretary of the Senate.

**ELECTION OF PRESIDENT PRO TEMPORE**

Senator Windom placed in nomination for President Pro Tempore of the Senate the name of the Honorable Michael Figures, which nomination was seconded by Senator Lindsey.

On motion of Senator Ghee, the nominations were closed.

Those who voted for Senator Figures were:

Yeas 33 Nays 0

**1st Day**

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-33

Nays:

- 0

Senator Figures, having received a majority vote of the Senate, was declared duly and constitutionally elected President Pro Tempore of the Senate for the term prescribed by law.

**OATH OF OFFICE**

The oath of office prescribed by the Constitution of Alabama was then administered by the Honorable Richard L. Holmes, Judge of the Alabama Court of Civil Appeals, to the Honorable Michael Figures, President Pro Tempore.

**ELECTION OF ASSISTANT SECRETARY**

Senator Lindsey placed in nomination for Assistant Secretary of the Senate the name of David Patrick Harris, which nomination was seconded by Senator Hale.

On motion of Senator Dixon, the nominations were closed.

Those who voted for Mr. Harris were:

Yeas 35 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

Nays:

- 0

Mr. Harris, having received a unanimous vote of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate, for the term prescribed by law.

**1st Day****OATH OF OFFICE**

The oath of office prescribed by the Constitution of Alabama was then administered by the Honorable Richard L. Holmes, to the Honorable David Patrick Harris, Assistant Secretary of the Senate.

**RESOLUTION**

Senator Mitchell offered the following Senate Resolution, to-wit:

**SR 1.      ADOPTION OF SENATE RULES.**

RESOLVED BY THE SENATE OF ALABAMA, that the following be adopted as the Rules of the Senate for the quadrennium 1995-1998, to-wit:

**GENERAL RULES OF ORDER  
AND PROCEDURE**

**RULE 1.** (a) The Presiding Officer shall call for a prayer to be delivered by the Chaplain of the Day.

(b) The Presiding Officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America.

(c) The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. However, in the absence of the President, the President Pro Tempore shall assume this duty. In the absence of both President and President Pro Tempore, this duty shall be the responsibility of the Committee Chairperson in the order listed in Rule 48. The President shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 37.

**RULE 2.** Unless it is otherwise specifically provided for by resolution or motion, the Senate shall meet at nine o'clock a.m., except on Mondays, when the Senate shall convene at twelve o'clock noon; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.

**RULE 3.** When the question of a quorum has been requested, after the expiration of five minutes, the roll shall be called immediately and, if the absence of a quorum shall be determined, then the Senate shall stand in

**1st Day**

adjournment until the following calendar day unless otherwise provided for by resolution or motion.

**RULE 4.** No person shall be admitted to the floor of the Senate's Chamber while the Senate is in session except members. Former members of the Legislature and former Lieutenant Governors, the officers and employees of the two houses, the employees of the Presiding Officer, the Governor and his secretary, representatives of the press, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work shall also be admitted to the floor and all of whom shall be placed by the Secretary of the Senate. On the first legislative day of any regular, special or organizational session, the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.

**RULE 5.** Only the Presiding Officer of the Senate shall introduce visitors in the Senate gallery. Such introductions shall be made at the request of any Senator, but only at such time as will not interrupt or disturb the orderly transaction of the business of the Senate.

**RULE 6.** No person shall be allowed to lobby in the Senate's chamber while the Senate is in session. In the event a lobbied Senator files a written complaint with the Secretary of the Senate stating that a former member/lobbyist has lobbied him/her while on the floor of the Senate, the Secretary shall notify the former member/lobbyist of the complaint. In the event a second written complaint is filed by a member against a former member/lobbyist, said former member/lobbyist's floor privileges shall be automatically suspended for twelve months.

**RULE 7.** No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate's chamber to present any petition, memorial, or address, or to have any such petition, memorial, or address read.

**RULE 8.** After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;

**1st Day**

- 6th, Motions and resolutions;
- 7th, Uncontested local bills;
- 8th, Bills on third reading;
- 9th, Other business.

RULE 9. The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution reported by the Committee on Rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

RULE 10. Under call of the districts, only bills shall be introduced.

RULE 11. No bills other than local, advertised or otherwise, shall be introduced in the Senate during a regular session after the Senate adjourns on the 24th legislative day.

RULE 12. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day.

RULE 13. Each motion or resolution for a bill to be placed on a special order shall be first referred to and reported from the Committee on Rules.

RULE 14. Bills on third reading postponed to a day certain shall take precedence over other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

RULE 15. When reports of standing committees are in order, the committee last occupying the floor shall be entitled to the floor.

RULE 16. Every motion shall be reduced to writing upon request of the Presiding Officer or of any Senator. Written motions shall be delivered to the Secretary at the desk and read before the same shall be debated.

RULE 17. Before any memorial or petition addressed to the Senate shall be received and read at the desk, a brief statement of its contents shall be made by the introducer.

RULE 18. When a question is under debate, no motion shall be received but: (1) to adjourn, (2) adjourn to a day certain, (3) to lay on the table, (4) to postpone indefinitely, (5) to postpone to a day certain, (6) to commit, or (7) to amend, which several motions shall have precedence in the order they stand arranged. The motions to adjourn, to adjourn to a day

**1st Day**

certain, and to lay on the table shall always be in order and shall be decided without debate.

RULE 19. The motion to lay on the table an amendment or substitute shall not carry with it the original bill, resolution, or proposition.

RULE 20. The Committee on Rules may report a special rule that debate on any measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by twenty-one or more Senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, and shall have the same effect as a report of the Committee on Rules regarding debate. This petition shall be an official time/date stamped petition secured from the Secretary of the Senate for circulation for signatures and this petition shall not be released by the Secretary until the measure has been considered for at least two hours. However, on the 30th legislative day the time requirement of waiting two hours before considering a petition to limit debate shall not be applicable. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

RULE 21. Messages may be introduced at any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

RULE 22. No discussion or debate shall be allowed while a vote is being taken.

RULE 23. Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

RULE 24. When the reading of any paper is called for and the reading of same is objected to by a member, the question shall be determined by a vote of the Senate without debate.

RULE 25. If the question in debate contains several points, any member may call for a division. It shall not be in order, however, to move for a division of the question on a motion to strike out and insert.

RULE 26. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall a subsequent motion simply to strike out prevent a subsequent motion to strike out and insert, provided however, the Presiding

ORGANIZATIONAL SESSION  
1st Day

11

Officer may rule out of order any motion to strike out and insert which he judges to be solely dilatory.

RULE 27. In filling blanks, the largest sum and longest times shall be put first.

RULE 28. When a vote has been taken on any question, other than a motion to adjourn, adjourn to a day certain, or to lay on the table, it shall be in order for any Senator of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate. Nor shall any motion for a reconsideration be in order unless it is made on the same day on which the vote was taken, or by twelve o'clock noon the next day, or one hour after the Senate convenes, if after twelve o'clock.

RULE 29. Resolutions proposing amendments to the Constitution or requiring the approbation or signature of the President or granting money out of funds appropriated for the Legislature shall be treated in all respects in the introduction and form of proceedings thereon as bills.

RULE 30. All motions to go into executive session shall be decided without debate.

RULE 31. Executive messages shall be considered with open doors unless it is otherwise requested in the message or otherwise ordered by a vote of the Senate.

RULE 32. All nominations and appointments shall be referred to, and be reported from the Committee on Confirmations before consideration by the entire Senate. If the Senate rejects a nomination or appointment, it will either forward its rejection to the Secretary of the Senate who shall forward the rejection to the appointing authority and request a new nominee be submitted, or, in the event that the pertinent statute permits, the Senate may select a substitute appointment.

RULE 33. The final question upon every bill or resolution requiring three readings prior to passage shall be put in this form: "Shall the bill (or resolution) be read a third time?" No amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, except by unanimous consent of all members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its recommitment, and if such recommitment takes place and an amendment is reported by the committee, the said bill, resolution, constitutional amendment, or motion shall be again

read a second time, and then the aforesaid question shall be put.

**RULE 34.** (a) Prior to the 28th legislative day, all amended bills shall be correctly engrossed prior to transmittal to the House of Representatives.

(b) During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 26th legislative day.

**RULE 35.** No motion to alter, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, which notice shall specify precisely the rule or part thereof proposed to be suspended, modified, or amended. Before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and said committee must report thereon. Any rule may be suspended by the consent of the Senate unless one or more Senators object thereto. Any Senators objecting to a suspension of the rules will be identified by name and upon request of any other Senator, the name of any objecting Senator shall be entered into the record. Any change or alteration of the rules shall be decided by a majority vote after proper consideration by the Committee on Rules.

**RULE 36.** During the period between the end of the regular session and the convening of the next regular session, members may deliver bills to the Secretary of the Senate, which shall be known as "pre-filing." Such bills shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the Presiding Officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session; provided, however, that no bill shall be pre-filed under this Rule after the commencement of the last regular session of the Legislature in any quadrennium and before the organizational session following general election.

## **RULES RELATING TO SENATORS**

**RULE 37.** No Senator shall absent himself or herself from the service of the Senate for as long as one day, without leave of the Senate first obtained. In case a lesser number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or some other person for any or all absent Senators, as the majority of the Senators present shall agree. The expense of sending for an absent Senator shall be paid by the absentee, unless an excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient. In which event, the expense of securing the attendance of such absent Senator shall be paid out of funds



appropriated for the Legislature.

**RULE 38.** When the yeas and nays shall be called for by three or more Senators, each Senator called upon shall, unless for special reasons be excused by the Senate, declare openly and without debate, his or her assent or dissent to the question. No members shall be permitted to vote after the decision is announced from the chair. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

**RULE 39.** No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time; provided, however, debate on resolutions and debatable motions, other than motions for the adoption of an amendment to a bill or substitute, a substitute to a bill, the bill itself, motions to concur or nonconcur, or motions to adopt a resolution to confirm an appointment, shall be subject to a reasonable time limit at the discretion of the President. The originator of the pending question, or the Chairperson of the Committee reporting the measure, shall have the right to conclude the debate.

**RULE 40.** Senators engaged in debate shall refrain from engaging in abusive and derogatory language in reference to other Senators and shall immediately be called to order by the Presiding Officer if such practice prevails. When a Senator shall be called to order by the President, he or she shall immediately sit down; however, the Senator will not lose his or her place and may resume the microphone at the direction of the Presiding Officer. Senators engaged in debate shall address each other by their official title and last name or reference their geographical district of representation.

**RULE 41.** Smoking shall not be permitted on the floor of the Senate.

### **RULES RELATING TO PRESIDING OFFICER**

**RULE 42.** In the absence of the President when the Senate convenes, the President Pro Tempore shall preside except as provided for in Rule 1; however, any other rule to the contrary notwithstanding, the President shall have the right to name a member to perform temporarily the duties of the Chair.

**RULE 43.** All questions shall be put by the Chair, and members shall signify assent or dissent by answering yea or nay. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is

**1st Day**

not recorded as voting, the Chair shall, before announcing the vote, on his or her own motion or on suggestion of any Senator, instruct the Secretary to record as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote.

RULE 44. Every question of order shall be decided by the Chair without debate, subject to an appeal to the Senate, which appeal must be made the same legislative day. The Chair may call for the sense of the Senate on any question of order or on any other matter properly before the Senate.

RULE 45. Any other rule to the contrary notwithstanding, when two or more Senators rise at the same time, the Chair shall name the Senator who is to speak first.

RULE 46. The Chair shall give notice at each reading of a bill whether it be the first, second, or third.

RULE 47. (a) All committees of the Senate and the Chairperson, Deputy Chairperson, Vice Chairperson, Subcommittee Chairperson, and members thereof shall be named by the President elected to serve for the quadrennium concurring with the term of the Senators adopting these rules and shall serve at the pleasure of the President; provided, however, that the removal of any Senator from any committee position shall be subject to the consent of a majority of the members elected and such vote shall take place upon the same day as the filing of said motion for removal by the President.

(b) The President of the Senate shall appoint the position of Senate Floor Leader. The Floor Leader shall serve solely at the pleasure of the President of the Senate and shall be for the purpose of serving as liaison to assist the Senate President Pro Tempore with the relationship between the Senate and the House Leadership, and shall serve as an ex officio voting member of each standing committee, except local legislation 1, 2 and 3, unless otherwise a member. The Senate Floor Leader will additionally be responsible for other duties as the President of the Senate may assign. A Secretary will be provided by the Secretary of the Senate for the Senate Floor Leader.

**RULES RELATING TO COMMITTEES**

RULE 48. There shall be twenty-one (21) standing committees on the following subjects, all bills assigned to any of the following standing committees shall be discussed by the full committee who shall determine whether it is appropriate to assign a bill to a subcommittee for further study or action:

(1) The Committee on Economic Expansion and Trade (Economic Affairs for statutory purposes), to which committee shall be referred bills pertaining to Alabama's industrial bond programs relating to international business, expansion of existing industry or business affecting international and domestic trade, interstate trade involving Alabama goods and services and any bill deemed appropriate by the President of the Senate. The Committee on Economic Expansion and Trade shall consist of five (5) members.

(2) The Committee on Rules, shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: motions or resolutions to set aside a regular order of business (Rule 9); motions or resolutions for a Special Order (Rules 9 and 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 20); executive nominations and appointments (Rule 32); propositions to suspend, modify, or amend any rule or any part thereof (Rule 35); all resolutions that may be referred to it (Rule 55). Also, the Committee on Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 18 and 20, Senate Rule 6). The Committee on Rules shall consist of nine (9) members.

(3) The Committee on the Judiciary, to which committee shall be referred bills and other matters concerning crime and punishment, law enforcement, rights of victims, strengthening laws on drug and alcohol related crimes, strengthening laws relating to child support payments, developing work and boot camps and making prisons self-sustaining, the Pardons and Parole Board, court administration, the judiciary and other matters affecting the criminal or civil laws of Alabama. There shall be five (5) subcommittees for the Committee on the Judiciary: Crime and Punishment and Prison Reform; Violent Acts Against the Elderly and Domestic Violence; Violence in Schools; Law Enforcement and Victims Rights; and the Judicial and Civil Justice System. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on the Judiciary shall consist of thirteen (13) members.

(4) The Committee on Governmental Affairs, to which committee shall be referred bills and other matters concerning the organization and operation of State Government and the organization and government of any incorporated municipality in the State of Alabama and matters relating to the organization and government of counties in Alabama. There shall be two (2) subcommittees of the Committee on Governmental Affairs: State Administration and State Employees; and Counties and Municipal Govern-

ments. Each subcommittee shall consist of a Subcommittee Chairperson and three (3) members. The Committee on Governmental Affairs shall consist of seven (7) members.

(5) The Committee on Education, to which committee shall be referred bills addressing the reduction of bureaucracy and duplication of programs as well as all education reforms in primary, secondary, post secondary, and higher education; the development of alternative schools, matters relating to school safety, removing guns and drugs from public schools, parental responsibility or other matters relating to restoring discipline in public schools; and the Department of Education. There shall be three (3) subcommittees of the Committee on Education: Primary and Secondary Education; Post Secondary and Higher Education; and Streamlining the Department of Education. The Subcommittee on Primary and Secondary Education may address bills relating to primary and secondary education and related state agencies. The Subcommittee on Post Secondary and Higher Education may address bills relating to post secondary and higher education and related state agencies. The Subcommittee on Streamlining the Department of Education may address bills relating to downsizing the Department of Education and eliminating waste in education. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Education shall consist of nine (9) members.

(6) The Committee on Constitution, Campaign Finance, Ethics, and Elections, to which committee shall be referred bills and other matters concerning proposed amendments or revision to the Constitution of Alabama, as well as a new Alabama Constitution, reforming campaign finance laws, strengthening laws related to ethics of public officials, and state election laws. There shall be four (4) subcommittees of the Committee on Constitution, Campaign Finance, Ethics, and Elections: Constitutional Revision; Campaign Finance Accountability; Ethics in Government; and Election Laws and Voter Participation, each of which will consist of a Subcommittee Chairperson and two (2) members. The Committee on Constitution, Campaign Finance, Ethics, and Elections shall consist of thirteen (13) members.

(7) The Committee on Conservation, Environment, and Natural Resources, to which all bills and matters relating to Alabama's wildlife, water resources, land, air, and ensuring the preservation of fish and game for future generations of Alabamians. The Committee on Conservation, Environment, and Natural Resources shall have three (3) subcommittees: Fish and Game; Land, Air and Water; Waterways and Coastal Waters. The Subcommittee on Fish and Game may address issues relating to Alabama's fishing and hunting industries. The Subcommittee on Land, Air and Water may address bills on issues relating to maintaining the integrity of Alabama's environmental quality and natural heritage, including issues relating to

Alabama's Forever Wild program and the health and safety of all Alabamians. The Subcommittee on Waterways and Coastal Waters may address bills on issues relating to Alabama's Water Resources Commission, the inland waters of the state, coastal bays, tributaries, estuaries and gulf waters. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Conservation, Environment, and Natural Resources shall consist of seven (7) members.

(8) The Committee on Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. There shall be two (2) subcommittees of the Committee on Banking and Insurance: Banking; and Insurance. The Subcommittee on Banking may deal with bills pertaining to banks, savings and loan associations, credit unions, and other financial institutions. The Subcommittee on Insurance may deal with bills pertaining to the business of insurance. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Banking and Insurance shall consist of seven (7) members.

(9) The Committee on Small Business and Rural Development, to which committee shall be referred all bills and matters that relate to creating incentives for new jobs, investing in new facilities, for retraining in new technology, creating Alabama multi-county resource pools, eliminating duplicative and unnecessary paperwork, development of a unified filing and fee system, the creation of a helper resource office to assist in the creation of small businesses, and the maintenance of existing small business, and the development of rural communities. There shall be three (3) subcommittees of the Committee on Small Business and Rural Development: Small Business Development; Volunteer Fire Fighters and Rescue Workers; Rural Development. The Subcommittee on Small Business Development may address bills relating to eliminating bureaucracy for business, streamlining the start-up process for a small business and fostering growth for small businesses. The Subcommittee on Volunteer Fire Fighters and Rescue Workers may address bills relating to the protection and safety of Alabamians who live in rural communities; the Subcommittee on Rural Development may address bills relating to the water supply and other economic issues in Alabama's rural communities. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Small Business and Rural Development shall consist of nine (9) members.

(10) The Committee on Industrial Development and Recruitment, to which committee shall be referred bills pertaining to industrial recruit-

**1st Day**

ment, the Alabama Development Office, the expansion of existing industry, and other matters relating to economic growth. There shall be three (3) subcommittees of the Committee on Industrial Development and Recruitment: Economic Recruitment and Research; Alabama Development Office; and Economic Incentives. The Subcommittee on Economic Recruitment and Research may address matters relating to the development of a "match marketing" program and an Alabama Research Alliance. The Subcommittee on the Alabama Development Office may address matters relating to the responsibilities and efforts of the Alabama Development Office. The Subcommittee on Economic Incentives may address matters relating to economic recruitment incentives. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Industrial Expansion and Recruitment shall consist of nine (9) members.

(11) The Committee on Commerce, Transportation, and Utilities, to which committee shall be referred bills and other matters concerning commerce; motor vehicles; traffic regulation; highways; railways; airports; air transportation; mining and reclamation; waste and waste reduction; oil and gas; common carriers or other forms of transportation; utilities and utility systems; and to ports, harbors, and docks. There shall be four (4) subcommittees of the Committee on Commerce, Transportation, and Utilities: Mining and Reclamation; Oil and Gas; Transportation and Utilities; Traffic Regulations and Railways. The Subcommittee on Mining and Reclamation and the Subcommittee on Oil and Gas may address bills regulating the mining and reclamation of any minerals located in Alabama and the exploration, capture, and utilization of oil and natural gas in Alabama. The Subcommittee on Transportation and Utilities may address bills related to all forms of transportation, utilities, and utility systems. The Subcommittee on Traffic Regulations and Railways may address bills related to regulations of highways and motor vehicles and the operation of railroads. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Commerce and Transportation shall consist of nine (9) members.

(12) The Committee on Health and Human Resources, to which committee shall be referred all bills and other matters concerning the health of the people of Alabama and all bills that relate to the operation of all programs managed by the Department of Human Resources, or the affairs of senior citizens, eliminating age discrimination, reforming Alabama's adoption laws, and any other matters which affect the welfare of the citizens of Alabama. There shall be three (3) subcommittees of the Committee on Health and Human Resources: Mental Health; Rights of Alabama's Disability Community; and Welfare Reform. The Subcommittee on Mental Health may deal with bills relating to the mental health programs and mental institutions of this state. The Subcommittee on Physical Disabilities

may deal with bills relating to implementation of the Americans with Disabilities Act and other issues affecting Alabama's disabled community. The Subcommittee on Welfare Reform may deal with bills addressing the training and returning to the work force of able Alabamians who are recipients of entitlement programs, any issues relating to unwed mothers and teenage pregnancies, and reforming all state entitlement programs. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Health and Human Resources shall consist of nine (9) members.

(13) The Committee on Agriculture and Forestry, to which committee shall be referred bills and other matters making Alabama agriculture competitive in domestic and international markets and developing incentives to protect small family farms through an Alabama Family Farm Restoration Act, and bills and other matters of the State relating to forestry. There shall be three (3) subcommittees of the Committee on Agriculture and Forestry: Animal Agriculture; Crops and Nurseries; Forestry Development and Preservation. The Subcommittee on Animal Agriculture may address bills relating to the poultry, ratite, cattle, aquaculture, equine, and swine industries. The Subcommittee on Crops and Nurseries may address bills relating to row crops and the nursery industry. The Subcommittee on Forestry Development and Preservation may address bills relating to Alabama's forestry industry. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Agriculture and Forestry shall consist of nine (9) members.

(14) The Committee on Tourism and Marketing, to which committee shall be referred all bills relating to increasing tourism from both domestic and international markets and the maintenance of the tourism-related industries in Alabama. There shall be four (4) subcommittees of the Committee on Tourism and Marketing: College Sports, Professional Sports, and Auto Racing; Historical Preservation; Theater and Fine Arts; State Parks, Convention and Visitors Bureaus, Attractions, Accommodations, and Museums and any legislation dealing with gaming. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Tourism and Marketing shall consist of seven (7) members.

(15) The Committee on Business and Labor, to which committee shall be referred bills and matters concerning the condition and interest of the work force and matters related to the Department of Industrial Relations and the Department of Labor. There shall be three (3) subcommittees of the Committee on Business and Labor: Department of Labor and Department of Industrial Relations; Reforming Alabama's Workers' Compensation Laws; and Unemployment Compensation and Job Placement. The Subcommittee on the Department of Industrial Relations and the Depart-

ment of Labor may address bills relating to the operations, regulations, and organization of the Departments of Labor and Industrial Relations. The Subcommittee on Reforming Alabama's Workers' Compensation Laws may address bills relating to Alabama Workers' Compensation laws. The Subcommittee on Unemployment Compensation and Job Placement may address bills relating to unemployment compensation and retraining displaced Alabama workers. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Business and Labor shall consist of nine (9) members.

(16) The Committee on Veterans and Military Affairs, to which committee shall be referred bills and matters addressing military affairs, the National Guard, Reserve and veterans. There shall be three (3) subcommittees of the Committee on Veterans and Military Affairs: The Alabama National Guard and Reserve; Retention of Alabama Military Bases; and Rights of Veterans. The Subcommittee on the Alabama National Guard and Reserve may address issues relating to the maintenance and development of the National Guard. The Subcommittee on Retention of Alabama Military Bases may address issues related to preventing the closure of military bases. The Subcommittee on Rights of Veterans may address issues relating to the rights and needs of veterans. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee of Veterans and Military Affairs shall consist of nine (9) members.

(17) The Committee on Finance and Taxation General Fund, to which committee shall be referred bills and other matters concerning the state general fund in regard to revenues, appropriations (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rule 54,) expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reductions in state revenue. In addition, the Committee on Finance and Taxation General Fund shall consider and report on all bills and resolutions carrying appropriations, affecting the State General Fund, previously referred to another committee, as authorized by Rule 54. There shall be three (3) subcommittees of the Committee on Finance and Taxation General Fund: Health and Human Services; Legislative, Judicial, and General Government; Transportation, Agriculture, Natural Resources, and Economic Development. The Subcommittee on Health and Human Services may address funding for Medicaid, Mental Health and Retardation, Public Health, Department of Human Resources, Commission on Aging, State Health Planning and Development Agency, State Employees' Insurance Board, Department of Environmental Management, State Employees' Retirement System, and Child Abuse and Neglect Prevention Board. The Subcommittee on Legislative, Judicial, and



**1st Day**

General Government may address funding for the Supreme Court, Court of Civil Appeals, Court of Criminal Appeals, Unified Judicial System, Criminal Justice Information System, Attorney General's Office, Finance Department, Corrections, District Attorneys, Ethics Commission, Governor's Office, Governor's Contingency Fund, Military Department, Pardons and Paroles, Office of Prosecution Services, Secretary of State, Auditor's Office, State Treasurer, Veterans Affairs Department, Youth Services, Examiners of Public Accounts, Legislative Reference Service, Legislative Fiscal Office, Building Commission, Building Renovation Finance Authority, ABC Board, Emergency Management Agency, Forensic Sciences Department, and Insurance Department. The Subcommittee on Transportation, Agriculture, Natural Resources, and Economic Development may address funding for the Transportation Department, ADECA, ADO, Tourism and Travel, Aeronautic Department, Agriculture and Industries, Agriculture Center Board, Archives and History, Banking Department, Conservation and Natural Resources, Forestry Commission, Historical Commission, Soil and Water Conservation Commission, Department of Industrial Relations, Labor Department, Department of Public Safety, Public Service Commission, Securities Commission, Farmers Market Authority, Forever Wild Land Trust Board, Geological Survey, Olympic Coordinating Committee, and the Peace Officers Standards and Training Commission. Each subcommittee shall consist of a Subcommittee Chairperson and three (3) members. The Committee on Finance and Taxation General Fund shall consist of fourteen (14) members.

(18) The Committee on Finance and Taxation Education, to which committee shall be referred bills and other matters concerning the Special Education Trust Fund in regard to revenues, appropriations (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rule 54), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reductions in state revenue. In addition, the Committee on Finance and Taxation Education may consider and report on all bills and resolutions carrying appropriations, affecting the Special Education Trust Fund, previously referred to another committee, as authorized by Rule 54. There shall be two (2) subcommittees of the Committee on Finance and Taxation Education: K-12 Education; Postsecondary Education. The Subcommittee on K-12 Education may address funding for the State Education Department, K-12 appropriations to Local Boards, School for the Deaf and Blind, Education Television Commission, School of Fine Arts, State Council on the Arts, High School of Math and Science, Public Library Service, Public Education Employees' Health Insurance Board, Teachers' Retirement System, Commission on Physical Fitness, and the Rural Family Practice Board. The

**1st Day**

Subcommittee on Postsecondary Education may deal with bills addressing funding for Alabama Industrial Development Training Institute, Junior and Technical Colleges, Postsecondary Education Department, Alabama Commission on Higher Education, Marine Environmental Sciences Commission, Supercomputer Authority, and Universities. Each subcommittee shall consist of a Subcommittee Chairperson and four (4) members. The Committee on Finance and Taxation Education shall consist of fourteen (14) members.

(19) The Committee on Confirmations, which shall deal with nominations and appointments by the Governor (Rule 32), and is empowered to hold hearings and take testimony regarding those matters where deemed appropriate. The Committee on Confirmations shall consist of five (5) members.

(20) The Committee on Fiscal Responsibility and Accountability, to which committee bills will be assigned which address such matters as fiscal responsibility, reforming the budgetary process, state procurement practices, state bid laws, enforcement of the Sunshine laws, state indebtedness, performance based budget practices, revenue and taxation, enforcement of the Budget Isolation Amendment, and other matters related to bringing accountability to the use of taxpayer's dollars. There shall be three (3) subcommittees of the Committee on Fiscal Responsibility and Accountability: Accountability in the Budget Process; Accountability for State Expenditures; and Eliminating Proration. The Subcommittee on Accountability in the Budget Process may address bills relating to opening up the budget process, passing the budgets on time, and eliminating pass-through appropriations. The Subcommittee on Accountability for State Expenditures may address bills relating to state procurement practices, state bid laws, auditing for fraud and waste, and the Examiners of Public Accounts. The Subcommittee on Eliminating Proration may address bills and matters relating to establishing reliable revenue targets, limiting total appropriations, restriction and prioritization of cuts when proration is ordered by the Governor, and matters relating to the Legislative Fiscal Office, Governor's Finance Office, and other state budgetary officials. Each subcommittee shall consist of a Subcommittee Chairperson and two (2) members. The Committee on Fiscal Responsibility and Accountability shall consist of nine (9) members.

(21) There shall be three (3) Local Legislative Committees described as follows:

(a) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 300,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions

of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of seven (7) members.

(b) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of seven (7) members.

(c) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

RULE 49. (a) No committee, with the exception of the Committee on Rules, shall meet on the Senate floor while the Senate is in session. No committee shall meet off the Senate floor while the Senate is in session unless the time and place shall be previously announced by the Presiding Officer.

(b) Each committee shall have investigatory powers and is authorized to hold hearings on any subject under its jurisdiction, to require attendance, upon appropriate notice, of State government officials and/or employees to give testimony at such hearings, and to formulate reports and recommendations regarding the activities or actions of such agency or department being investigated or reviewed by such committee.

(c) The Chairperson of a standing committee containing subcommittees may assign any bill referred to the whole committee to one of its subcommittees. All rules governing the meetings of committees apply to subcommittees, except as hereabouts stated. If a subcommittee gives a bill a favorable report, the full committee must still take action on the bill before it can be favorably reported for its second reading. However, the Chairperson of a committee shall have the option of removing a bill that was previously assigned to a subcommittee so that the full committee can take action on said bill.

RULE 50. (a) Any bill providing for or dealing with parimutuel betting, gambling or games of chance shall first be assigned to the appropriate Local Legislation Committee. If the appropriate Local Legislation Committee gives the bill a favorable report, said bill shall then be referred to the appropriate standing committee and be treated in all further respects as a general bill.

(b) Any local bill dealing with environmental issues affecting more than one political subdivision of the state shall first be assigned to the appropriate Local Legislation Committee. If the appropriate Local Legislation Committee gives the bill a favorable report, said bill shall then be referred to the appropriate standing committee and be treated in all further respects as a general bill.

RULE 51. Smoking shall not be permitted in any Committee meetings of the Senate.

RULE 52. (a) Every bill, petition, memorial, or other paper shall, upon the first reading thereof, be referred by the President or Presiding Officer to a standing committee having the subject matter thereof for consideration.

(b) The drafts of all bills which are for introduction at any session of the Legislature, and which are not prepared by the Legislative Reference Service, the Legislative Fiscal Office, or the Executive Budget Office must be presented to the Legislative Reference Service for review of form only and for entry into the Legislative Data Bank at least two (2) legislative days prior to introduction.

RULE 53. When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first. A select committee is a committee appointed by the Chair to study one specific question and ceases to exist when the purpose for which it was selected has been resolved.

RULE 54. A bill or resolution carrying an appropriation may be referred to a committee other than the appropriate Finance and Taxation Committee if the subject matter requires such referral in the judgment of the Presiding Officer. However, such bill or resolution may also be referred to (on a motion proposed by a member and approved by majority vote) and reported by the appropriate committee on Finance and Taxation after being given a second reading.

RULE 55. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate. This rule shall not apply to resolutions requiring immediate consideration. Resolutions of congratulation, commendation, or sympathy may be reported by the Committee on Rules, in resolution form, en masse for adoption by the Senate; provided, however, any such resolution so reported, which requires action other than congratulating, commending or expressing sympathy, shall be void ab initio.

RULE 56. When a bill has been acted upon by a standing commit-

**1st Day**

tee, the committee's Chairperson shall endorse on said bill:

This bill was referred to the Standing Committee of the Senate on \_\_\_\_\_ and was acted upon by such Committee in session and is by order of the Committee returned therefrom with \_\_\_\_\_ report by a vote of yeas \_\_\_\_\_ nays \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

---

Chairperson

**RULE 57.** The final vote of a committee on a bill shall be recorded and kept as a permanent record in the office of the Secretary of the Senate. No bill shall receive its second reading without the final vote of a committee attached thereto. This rule shall not apply to local bills. Whenever possible, it shall be the responsibility of the Chairperson of each committee to post at least twenty-four (24) hours in advance, notice of the committee agenda, which shall include the bill number or a short synopsis of each bill, along with the time and place of each meeting.

**RULE 58.** A committee may return a bill or resolution for its second reading without recommendation which shall constitute action by such committee.

**RULE 59.** No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

**RULE 60.** The Committee on Rules may report at any time.

**RULE 61.** Whenever the Chairperson of any committee shall refuse to call a meeting of such committee, then a majority of the members of the committee may call a meeting by giving one day's written notice setting the time and place for such meeting. Such notice shall be read by the Secretary and posted in the Senate Chamber. Whenever the Chairperson and Vice Chairperson are absent at any committee meeting, a majority of a committee may designate any member of the committee as Acting Chairperson for that particular meeting only.

**RULE 62.** When the Chairperson of a committee has scheduled a public hearing to be held on any bill and the hearing has been announced, the hearing may be convened and held with a minimum of one-third of the membership of such committee present.

## **RULES RELATING TO THE SECRETARY AND THE JOURNAL**

**RULE 63.** The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account thereof. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each item of legislation presented to the Senate shall be inserted thereon.

**RULE 64.** The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal.

**RULE 65.** The Secretary shall, on the introduction of bills, make a photocopy of each bill to be designated as a second official copy, and shall make an entry in the journal as follows:

### **“INTRODUCTION OF BILLS**

“Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows: (Here set out the number, title and sponsors of each bill introduced and the name of the committee to which it was referred. The name of the chief sponsor shall be underscored on the original bill.)”

**RULE 66.** When a bill shall be returned from a standing committee, the Secretary shall make the journal read:

“Senator \_\_\_\_\_, Chairperson of the standing committee on \_\_\_\_\_, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a \_\_\_\_\_, and they were severally read a second time and placed on the calendar, to-wit:”

**RULE 67.** On the signing of bills or resolutions, the Secretary shall make the journal read:

### **“SIGNING OF BILLS (OR RESOLUTIONS)**

“The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Message) from the House, or Report from the Committee on Rules as the case may be.”

**1st Day**

RULE 68. Messages shall be sent to the House of Representatives by the Secretary, who shall endorse the final determination of the Senate thereon.

RULE 69. The Secretary shall provide the Chairperson of each standing committee with a stamp with which to make endorsements on bills. Each standing committee of the Senate shall be furnished a secretary or clerk by the Secretary of the Senate. Office space shall be provided to the President Pro Tempore and to the Chairpersons of standing committees as such space is made available to the Senate.

RULE 70. Upon adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment and the name of the member on whose motion adjournment was adopted.

RULE 71. If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The Presiding Officer shall then judge the matter, and rule accordingly.

RULE 72. The Secretary shall furnish to the members daily a printed calendar of all bills and resolutions on third reading and such calendar shall be designated "Regular Order Calendar." The bills and resolutions listed therein shall be arranged in the order in which they are entitled to consideration.

In the event a Special Order Calendar is adopted for more than one day, but is not a continuing order of business until disposed of, then such bills on special order shall be returned to their original position on the Regular Order Calendar occupied by them before the adoption of the special order. Whenever the calendar contains more than twenty-five (25) pages, a numerical index of all Senate and House bills contained in that day's calendar (with the number of the page on which the bill appears in the calendar printed opposite the bill's assigned number) shall be printed on the last pages of that day's calendar, or on a separate pamphlet which can be slipped into the back of the calendar.

RULE 73. The Secretary shall cause to be printed and distributed among the members of the Senate a pocket-sized book or pamphlet, which shall include the following information: (a) a picture and brief biography of each Senator, his or her address, home and business phone, and committee assignments; (b) a list of Senate committees and their memberships; (c) Senate and joint rules; (d) a brief explanation of the legislative process including legislative powers, qualifications, and duties of legislators; and (e) instructions for the drafting of bills.

**1st Day**

RULE 74. The Secretary shall not employ any person as a page who is under the age of twelve (12) years.

RULE 75. (a) Every general bill before any vote is taken thereon by the Senate must have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in revenue collections under the provisions of the bill. All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the Chief Legislative Fiscal Officer as being substantially accurate to the best of his or her knowledge, information and belief. The fiscal note shall also be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any general bill on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee from whence it came. (No general bill shall be given its third reading, unless it has affixed thereto a valid fiscal note.)

(b) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph (a) above and must be referred to the Committee on Rules.

RULE 76. No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar. Further provided that Rule 35, relative to the provision that one Senator may object to suspension of the rules, shall not be applicable to resolutions pertaining to budget isolation and said resolution shall be considered at such time as the bill is called for third reading, notwithstanding the provision of Rule 55. Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Secretary of the Senate.

RULE 77. The indices of the Senate Journals shall include a topic index of all bills referenced in the journals, a numerical index, a sponsor index and an index of "Miscellaneous Subjects." The indices shall be distinguished from the textual material by the use of paper of a distinctive color and the indices shall be prefaced by a page of explanatory material that will instruct a person totally unfamiliar with the journals on the most efficient means of locating particular items of information. Speeches received in the two houses in joint sessions and printed in full in the House Journal shall carry an abridged statement in the Senate Journal and a distinct reference to the full text in the House Journal.

RULE 78. When any question may have been decided by the Sen-



ate in which more than a majority of the members present are necessary to carry the affirmative, any Senator who voted on the side that prevailed in the question may move for a reconsideration, and such motion shall be decided by a majority vote.

RULE 79. Senate Resolutions of commendation, congratulations, or sympathy may be prepared during interim periods and certified by the Secretary but shall not be entered into the Journal of the Senate. These resolutions are prepared by the Secretary as a courtesy for individual Senators and are not acted upon by the entire Senate.

RULE 80. All salary, expense allowances or other increases in compensation or benefits of any form whatsoever of members of the Legislature shall only be passed by roll call recorded vote.

Senator Freeman offered the following amendment to the Resolution, SR 1, to-wit:

#### AMENDMENT TO SR 1

Amend SR 1 on page 4, change the (.) period to a (,) comma and add the following language:

“, provided, however, the former member/lobbyist may request in writing an opportunity to defend himself/herself. If a written request is made, the President shall appoint a committee of three Senators to hear the complaint within 72 hours. The member who signed the complaint shall not be on the committee. The member/lobbyist shall be afforded due process during the hearing. If the committee finds for the former member/lobbyist, his/her floor privileges shall be restored. If the committee finds against the former member/lobbyist, he/she may request a hearing before the full Senate. Such request shall be decided by secret ballot of the members. If a hearing is granted, the hearing shall be held in the same manner as the committee hearing.”

On motion of Senator Bailey, said amendment was laid on the table.

Yeas 17 Nays 15

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Clay, Denton, Dial, Dixon, Figures, Hill, Little, Mitchell, Mitchem, Sanders, Waggoner, and Windom-17

Nays:

Senators:

Biddle, Butler, Davidson, Escott-Russell, Freeman, Hale, Langford, Lindsey,

McClain, Myers, Poole, Roberts, Smith, Smitherman, and Steele -15

Senator Hill offered the following amendment to the Resolution, SR 1, to-wit:

### AMENDMENT TO SR 1

Amend SR 1 by adding a new senate rule #81 as follows and re-number the remaining rules.

“Rule 81. When there is a conference committee of the Senate and House of Representatives to resolve the differences between the Senate and House of Representatives, the Senate conferees are instructed to address only the differences in the bill as passed by the House and Senate.”

On motion of Senator Mitchell, said amendment was laid on the table.

Yeas 21 Nays 11

Yeas:

Senators:

Bailey, Barron, Biddle, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -21

Nays:

Senators:

Adams, Amari, Armistead, Clay, Davidson, Dial, Dixon, Hill, Lipscomb, Myers, and Waggoner -11

Senator Hill then offered the following amendment No. 2 to the Resolution, SR 1, to-wit:

### AMENDMENT NO. 2 TO SR 1

Amend SR 1 by adding a new senate rule #81 as follows and re-number the remaining rules:

“Rule 81. When a conference committee report on the General Fund appropriation bill or Special Education Trust Fund bill is received by the Senate from either a conference committee or the House of Representatives, said conference committee report shall not be acted on until the next legislative day. In no event shall the Senate adopt a conference committee report to the General Fund appropriation bill or Special Education Trust Fund bill after the twenty-eight (28) legislative day of any regular session.”

On motion of Senator Mitchell, said amendment was laid on the table.

Senator Hill then offered the following amendment No. 3 to the Resolution, SR 1, to-wit:

**AMENDMENT NO. 3 TO SR 1**

Amend SR 1 by adding a new rule #81 as follows:

“Upon a vote of a majority of the elected membership of the senate a standing committee shall be directed to report back to the senate for a second reading on the next legislative day any bill. On the next legislative day after the said bill gets a 2nd reading it shall be the unfinished business of the senate and so printed on the calendar.”

Renumber the remaining rules accordingly.

On motion of Senator Mitchell, said amendment was laid on the table.

Yeas 23 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Escott-Russell, Figures, Freeman, Ghee, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -23

Nays:

Senators:

Adams, Amari, Armistead, Dial, Dixon, Hill, Lipscomb, Myers, Smith, and Waggoner -10

Senator Little offered the following amendment to the Resolution, SR 1, to-wit:

**AMENDMENT TO SR 1**

**RULES RELATING TO THE SECRETARY AND THE JOURNAL  
RULE 75(A)**

Amending Rule 75(a) as follows: Every general bill and local bill which affects State funding more than \$1,000, before any vote is taken thereon by the Senate must have endorsed thereon or attached thereto a reliable estimate of the amount of State money involved therein, and the

**1st Day**

anticipated increase or decrease in State revenue collections under the provisions of the bill. All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the Chief Legislative Fiscal Officer as being substantially accurate to the best of his or her knowledge, information and belief. The fiscal note shall also be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any general bill or local bill, if applicable on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee from whence it came. (No general bill or local bill, if applicable shall be given its third reading, unless it has affixed thereto a valid fiscal note.)

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tempore:

I have been directed by the House to advise the Senate that the House has perfected its organization and elected its permanent officers:

Speaker of the House:  
Speaker Pro-Tempore:

James S. Clark  
Seth Hammett

and is now ready for the transaction of public business.

GREG PAPPAS,  
Clerk.

**FURTHER CONSIDERATION OF SR 1**

The Senate proceeded to further consideration of the Resolution, SR 1, as amended.

Senator Clay offered the following amendment to the Resolution, SR 1, as amended, to-wit:

**AMENDMENT TO SR 1, AS AMENDED**

Amend SR 1, Senate Rules, as amended, as follows:

In Rule 4 in line 3, after the word "Legislature" insert the following:

“, except registered lobbyist,”

Which was adopted.

Yeas 22 Nays 10

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Hill, Lipscomb, Little, McClain, Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nays:

Senators:

Bedford, Biddle, Butler, Denton, Freeman, Langford, Lindsey, Mitchell, Poole, and Sanders -10

Senator Dial offered the following amendment to the Resolution, SR 1, as amended, to-wit:

### **AMENDMENT TO SR 1, AS AMENDED**

Amend SR 1, SENATE RULES, as amended, as follows:

On page 32 at the end of Rule 48, insert a new subsection (22) as follows:

“(22) That pursuant to the provisions of Section 53 of Article IV of the Constitution of Alabama of 1901, there is created a Senate Ethics and Conduct Committee whose responsibility shall be to consider and, when necessary, act upon complaints of misconduct brought against an individual Senator during his or her participation in a session of the Senate or his or her participation in a standing or interim committee. The committee shall be composed of five members of the Senate elected by the Senate by secret ballot at the earliest possible time after the passage of this resolution and the members shall serve without compensation. Members shall serve for a quadrennium. The procedure for the election of members to the committee shall be as herein provided. At the appointed time of election to be determined by the President of the Senate there shall be a call of districts. When his or her district is called, each Senator desiring to vote shall deliver to the Secretary of the Senate a list of five names of persons for whom the Senator votes. After each Senator who wishes to do so has submitted a list of five names, the Secretary shall receive the names for counting. The results of the election shall be tabulated by the Secretary under the supervision of a committee of three Senators appointed by the President of the Senate for that purpose. The Secretary shall certify to the President the names of the

five Senators receiving the most votes. In the event of a tie vote, a second election shall be held in the same manner as the initial election was held. Senators shall vote for only the number of names that equals the number of positions on the committee to be filled. No ballot shall be counted if it contains a number of names greater than the number required to be elected. Any vacancy on the committee shall be filled in the same manner as the original members were elected. A chair and vice-chair of the committee shall be elected from among the membership of the committee. If a complaint is brought against a member of the committee, that member shall not participate as a member of the committee in considering the complaint. The Lieutenant Governor shall appoint a temporary replacement for that member to participate in the review of the complaint. The temporary member shall possess the same powers as other members of the committee.

“The committee shall receive complaints of misconduct against an individual Senator and recommend such action as it deems necessary to fulfill the responsibilities of the committee.

“For the purposes of this rule, misconduct means any of the following:

“(1) Any conduct constituting a legal wrong that materially impairs the ability of the member to perform the duties of his or her office or substantially impairs public confidence in the Legislature.

“(2) Any conduct by a Senator which intentionally violates any Senate Rule in the conduct of Senate business, whether official or unofficial business.

“(3) Any conduct by a Senator which, during his or her term of office, sexually harasses any other person of either sex. For purposes of this resolution, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. In determining whether alleged conduct constitutes sexual harassment, the committee will look at the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

“(4) Any conduct by a Senator which violates any provision of the State Ethics Law, Chapter 25 of Title 36 of the Code of Alabama 1975.

“(5) Any conduct prohibited by the Constitution of Alabama of 1901.

“(6) The intentional filing of a false complaint with the committee or the filing of a complaint in reckless disregard of the truth.

The procedure to be followed by the committee is as follows:

“(1) Only a member of the Senate may file a written complaint with the committee. The complaint shall include all of the following information:

“(a) The name of the Senator alleged to have committed the violation.

“(b) The name of the Senator filing the complaint.

“(c) The nature of the alleged violation.

“(d) Facts that support the complaint.

“(e) The date of the alleged violation.

“The complaint shall be in writing, signed by the Senator filing the complaint, and specify in detail the conduct in question. No complaint alleging a violation shall be filed more than one year after the date the alleged violation occurred. The Senator against whom the complaint has been brought shall be notified in writing by the committee and provided a copy of the complaint. Within 15 days after receipt of the complaint, the Senator may file a written answer to the complaint with the committee. Failure to file a written answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true.

“(2) At all times during any proceeding conducted pursuant to this resolution, the Senator accused of misconduct shall be given such notice and hearing as is requisite to due process of law guaranteed under the United States Constitution and the Constitution of Alabama. Prior to taking any action, the committee shall notify the Senator accused of misconduct and shall grant the Senator an opportunity to respond at a hearing on the complaint. Since, by the very nature of a hearing on a complaint filed pursuant to this resolution, the character or good name of a woman or man will be involved in the hearing, the filing of the complaint shall be confidential and the committee shall meet in executive session for purposes of hearing and deciding complaints filed.

“(3) After thorough investigation, by a majority vote, the committee may determine that no misconduct has occurred.

“(4) The committee, in executive session, may address the accused Senator by issuing a warning.

“(5) The committee by a four-fifths vote may recommend to the Senate as a whole that further action against the accused Senator be initiated.

“The committee may adopt rules of procedure, not inconsistent with this resolution, for the orderly conduct of its affairs, investigations, hearings, and meetings.”

Which was adopted.

And on motion of Senator Mitchell, said Resolution, SR 1, as thus amended, was then adopted by the Senate.

Senator Bedford moved that the Senate reconsider the vote by which the Resolution was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hammett, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable,



Warren, White, Willis, and Wren:

**HJR 3.** COMMENDING JAMES M. CAMPBELL OF ANNISTON, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes James M. (Jim) Campbell of Anniston for outstanding service to the State of Alabama as a member of the House of Representatives for sixteen years and, through election by his peers, as House Speaker Pro Tem for the past eight years; and

WHEREAS, an attorney in private practice, Mr. Campbell is a native of Calhoun County who was educated in the Anniston City Schools, and attended Emory University and the Emory University School of Law where he received both his undergraduate and law degrees in 1964 and 1966, respectively; and

WHEREAS, Jim Campbell was first elected to the Alabama House of Representatives in 1978, and was subsequently reelected by the constituents of House District 36 to three consecutive four-year terms, during which tenure he provided outstanding leadership in a number of key committee assignments, including Judiciary (Chairman, 1983-1986), Rules, Education, the Standing Committee on Reapportionment (Vice-Chairman) and Banking (Vice-Chairman, 1983), among others; and

WHEREAS, he further has served most ably as chairman of the Legislative Council and as President of the Alabama Law Institute and is the sponsor of such significant legislation as the Administrative Procedures Act, Eminent Scholars Act, Regional Reciprocal Interstate Banking Act, and the Fair Campaign Practices Act, as well as other meaningful legislation to the benefit of the people of Alabama; and

WHEREAS, Representative Campbell, in addition to his many years of positive impact upon state government, has also provided consummate leadership and support to his profession and the community as a member and/or officer of the American Bar Association; the Alabama State Bar and its Practice and Procedures Section; the Calhoun County Bar Association; the Board of Bar Commissioners of the Alabama State Bar, and its Executive Committee; and to the Anniston City Board of Education, the First United Methodist Church of Anniston, and the Calhoun County Chamber of Commerce, to name but a few of his many civic and professional affiliations; and

WHEREAS, through continuous perseverance in the service of the people, and with faithful adherence to the public trust, Jim Campbell has

indeed well-served his state and community, thereby earning the gratitude of all those he has served so diligently, as well as the admiration and respect of those of us with whom he served over the course of his distinguished career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest praise of the many notable contributions and accomplishments of his legislative tenure, and in public acknowledgement of his judicious leadership as Speaker Pro Tem of the Alabama House of Representatives, we hereby commend James M. Campbell of Anniston, Alabama, for whom a copy of this resolution of warmest personal regard shall be provided.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

#### **HJR 8.     RELATIVE TO JOINT SESSION.**

BE IT RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:30 a.m. January 11, 1995, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 8, 1994, as required by the Section 115 of the Constitution of Alabama.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the

Resolution, HJR 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

#### **HJR 7.     RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 10, 1995, they adjourn to meet again on Wednesday, January 11, 1995, and when they adjourn on Wednesday they adjourn to meet again on Tuesday, January 17, 1995

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

#### **HJR 4.     BINDING OF ACTS AND JOURNALS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals

of this organizational session be bound with the regular session or any special sessions in 1995

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 6.** CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to work with the Chief of Services and Capitol Police, Department of Finance, and in assigning parking places to members of the Legislature. Said Committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

And the Speaker of the House has appointed as members on the part of the House, Reps. Starkey, Thomas (J), and Curry.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 2.** COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

And the Speaker of the House has appointed as members on the part of the House, Reps. McMillan, Knight (A), and McKee.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore and Presiding Officer of the Senate appointed as members on the part of the Senate, Senators Myers, Smitherman, and Bailey.

**RESOLUTION**

Senator Freeman offered the following Senate Joint Resolution, to-wit:

**SJR 2.** COMMENDING ROBIN BUTLER OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in extending heartiest congratulations to Robin But-

ler of Madison, Alabama, on her recent high school graduation, the Alabama Legislature also notes her many outstanding accomplishments as a student achiever at Bob Jones High School; and

WHEREAS, Miss Butler, who served as Vice President of her Freshman and Sophomore classes, was a member and 1992-93 Vice President of the Student Council; a member of the National Honor Society; a 4-year member of the Bob Jones PRIDE academic club; and a 4-year member and 1993-94 Captain of the Patriotettes Dance Team; and

WHEREAS, she further was elected by her peers to serve in the Homecoming Court, is the recipient of the 1994 DAR Good Citizen Award, and is a member of the Fellowship of Christian Students, Fellowship of Christian Athletes, and Young Life; and

WHEREAS, Miss Butler, moreover, is an active member of University Baptist Church in Huntsville where she is a nursery volunteer and a member of the Acteen youth group, the Youth Council, and the Search Committee; and

WHEREAS, the culmination of Robin Butler's accomplished high school career was her selection as the recipient of a 4-year Leadership Scholarship from Samford University in Birmingham, a 4-year scholarship from Humana Insurance, a Madison County Junior Miss scholarship, and an Alabama Southern Baptist grant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement in academics, leadership, community service, and citizenship, we hereby commend and congratulate Miss Robin Butler of Madison, Alabama, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided, with sincere best wishes for every future happiness and success in life.

On motion of Senator Freeman, the Rules were suspended and the Resolution was adopted by the Senate.

### ADJOURNMENT

At 3:22 P.M., on motion of Senator Mitchell, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, January 11, 1995, at 9 o'clock A.M.

**SECOND LEGISLATIVE DAY**  
**WEDNESDAY, JANUARY 11, 1995**

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer Figures presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lisa Helms, of the Senate Staff.

**ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Starkey, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins,

Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, and Wren:

**HJR 11.** COMMENDING THE UNIVERSITY OF NORTH ALABAMA FOOTBALL TEAM FOR WINNING A SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 11, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Newton (C):

**HJR 16.** COMMENDING THE GREENVILLE HIGH SCHOOL TIGERS ON WINNING THE 1994 STATE 5A FOOTBALL CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



## MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, and Wren:

**HJR 17. COMMENDING NANCY KNIGHTEN FOR-RESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.**

GREG PAPPAS,  
Clerk.

## HOUSE MESSAGE

On motion of Senator Dixon, the Rules were suspended and the Resolution, HJR 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## PARKING COMMITTEE APPOINTMENTS ANNOUNCED

The President Pro Tempore and Presiding Officer of the Senate, pursuant to HJR 6, appointed as members of the Legislative Parking Committee on the part of the Senate, Senators Freeman, Chairman; Biddle, and Bailey.

## RESOLUTIONS

Senators Little, Dial, Adams, Amari, Armistead, Bailey, Barron,

Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 3. RECOGNIZING STATE REPRESENTATIVE PETE TURNHAM OF AUBURN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with highest commendation and sincere pride that recognition is herein extended to Alabama State Representative Pete Turnham of Auburn, Alabama, as the recent recipient of an honorary degree from Auburn University; and

WHEREAS, Representative Turnham, a native of Chambers County, earned both bachelor and master's degrees from Auburn and served on the staff for more than five years before beginning his tenure in the Legislature in 1958; and

WHEREAS, as a member of the Alabama House of Representatives for the past 36 years, Representative Turnham, the Dean of the House, has worked tirelessly and diligently on behalf of Auburn University and public education, as well as other issues of vital interest and concern to our state; and

WHEREAS, recently elected to his 10th term in the House, he has sponsored and supported significant legislation to ensure the future growth and prosperity of Auburn, and of his many successes was the funding for Haley Center and the Coliseum at Auburn; and

WHEREAS, he has also sponsored many other education-related bills over his career including the largest single bond issue in Alabama history, providing for new and improved school facilities throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as Auburn University's 130th honorary degree recipient, we hereby most highly commend our friend and colleague, Representative Pete Turnham of Auburn, Alabama, for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

**SJR 4. HONORING THOMAS D. SAMFORD III, ON THE OCCASION OF HIS RETIREMENT.**

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Thomas D. Samford III, who is retiring, effective June 30, 1995, following 33 years of distinguished service to Auburn University; and

WHEREAS, Thomas Samford has served as Auburn University's primary attorney since 1961 and as a member of the central administration since 1988, and, over his dedicated tenure, has provided sound legal advice to six Auburn presidents and the Auburn University Board of Trustees; and

WHEREAS, a native of Opelika, Alabama, and a veteran of the United States Marine Corps and Marine Corps Reserve, Mr. Samford graduated from Princeton University and earned his law degree from the University of Alabama; and

WHEREAS, Mr. Samford engaged in the practice of law in Opelika, Alabama from 1961-76, serving as legal counsel to and as a member of the boards of directors of Diversified Products Corporation, Perfection Plastics and Data Technology Corporation; he also served as municipal judge of the City of Opelika from 1961 until he joined the university full time in 1988; and

WHEREAS, Mr. Samford has been equally committed in service to his community, providing leadership and support to such organizations as the Opelika Kiwanis Club, Chamber of Commerce, United Way, Community Chest, and to Trinity United Methodist Church, and, in tribute to his contributions, was awarded the Kiwanis International Legion of Honor in 1986 and was selected Alabama Jaycees Outstanding Young Man of Alabama in 1967; and

WHEREAS, Mr. Samford and his devoted and supportive wife, Jacqueline, are the proud parents of four beautiful children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Auburn University, we hereby most highly commend Thomas D. Samford III, and direct that he receive a copy of this resolution as a token of our esteem and best wishes for every future happiness and success.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 5. COMMENDING NANCY KNIGHTEN FORRESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.**

WHEREAS, it is with sincere regret that the Legislature of Alabama has learned of the forthcoming retirement, February 1, 1995, of Nancy Knighten Forrester following her many years of exemplary service to the Alabama Legislature and the State of Alabama since 1977; and

WHEREAS, Nancy Knighten Forrester, a native of Montgomery, Alabama, attended Sidney Lanier High School and Rhodes College in Memphis, Tennessee, and received her B.S. degree from the University of North Carolina in Chapel Hill; and

WHEREAS, over the course of her career as the Royal Writ Writer of Legislative Reference Service, Nancy has consoled, congratulated and honored literally thousands of citizens across our state with her special style and flair, and her resolutions have come to be greatly desired and sought after by members of both the House and Senate; and

WHEREAS, the Alabama House of Representatives each year most particularly looks forward with anticipation to the presentation of the infamous Shroud Award in which she wittily, and a shade irreverently, conveys last rites to the deadest legislation of the session while commiserating with its surviving sponsor; and

WHEREAS, over the years, Nancy's commitment to excellence; tireless dedication to the task at hand; her wisdom and keen wit; and, of course, her unparalleled skill and unique talent with the written word have earned the highest regard and admiration of legislators, associates and co-workers alike; and she will be greatly missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply indebted to Nancy Knighten Forrester and convey our deepest gratitude and appre-

ciation for her many years of extraordinary and devoted service to Legislative Reference Service and the State of Alabama.

RESOLVED FURTHER, That we wish Nancy and her husband, and our friend, Tharpe Forrester, health, happiness, and many pleasurable hours shared with their family and the world's greatest grandchildren, Katie and Will; and it is further directed that she receive a copy of this resolution as an expression of our appreciation, friendship and highest personal regard.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

### NOTICE IN WRITING

Senators Little and Dial offered the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Amend Rule 48 (21) as follows:

(21) There shall be ~~three (3)~~ four (4) Local Legislation Committees described as follows:

(D) Local Legislation No. 4, to which Committee shall be referred all local bills pertaining only to Lee County. The Committee on Local Legislation No. 4 shall consist of the three (3) members representing Lee County.

Which was read and ordered filed with the Secretary.

### RESOLUTION

Senator Dial offered the following Senate Joint Resolution, to-wit:

**SJR 6. CONGRATULATING THE ASHLAND HIGH SCHOOL PANTHERS ON THE 1994 STATE CLASS 2-A FOOTBALL CHAMPIONSHIP.**

WHEREAS, it is with great pleasure and pride that the Alabama Legislature herein extends heartiest congratulations to the Ashland High

**2nd Day**

School Panthers as Alabama's 1994 State Class 2-A Champions; and

WHEREAS, on December 9, 1994, in a dazzling exhibition by both offense and defense, the Ashland Panthers, under the skillful leadership of Coach Danny Horn, decidedly defeated the Gordo Green Wave 24-0 to capture the coveted title and crown; and

WHEREAS, the Ashland Panthers achieved an impressive 14-1 overall record, losing only to Class 4-A runner-up Heflin (3-0), anchored by a defiant defense that gave up only 22 points the entire season while setting an all time state record with 10 shutouts; and

WHEREAS, the Ashland High School 2-A Champions have indeed brought great honor to themselves, their school and community, and are indeed deserving of highest praise for their dedicated efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Ashland High School as Alabama's State Class 2-A Football Champions, and it is further directed that a copy of this resolution be prepared for appropriate presentation and school display.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 9.** ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature.

**JOINT RULES  
OF THE TWO HOUSES OF THE LEGISLATURE OF  
ALABAMA**

1. Messages from one house to the other shall take precedence over all other questions.

2. When House and Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The draft of any bill which is for introduction at any session of the Legislature, and which is not prepared by the Legislative Reference Service, the Legislative Fiscal Office, or the Executive Budget Office, shall be presented to the Legislative Reference Service for review, preparation of a synopsis, and entry into the Legislative Data Bank at least two days prior to introduction.

8. The privileges of the floor of both houses are accorded the Di-

rectors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office and the Director of the Alabama Law Institute, and the Chief Examiner of the Department of Examiners of Public Accounts, in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: stricken through and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary of the Senate or Clerk of the House for introduction in either House unless it is a legible copy, typed on 8 1/2" by 11" paper with numbered lines which are double-spaced.



(d) All bills or resolutions that have been amended in the House of origin shall be engrossed by that House prior to being delivered to the other House.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. Any bill that proposes an amendment to the Constitution of the State of Alabama shall include in the text of the bill specific language that shall appear on the ballot if the bill is passed by the Legislature.

15. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

## **RULES RELATING TO COMMITTEES**

16. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill\_\_\_\_have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B.\_\_\_\_is attached).

(Example: Amend H.B./S.B.\_\_\_\_as follows:)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

CONFEREES OF THE HOUSE

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

---

Name

CONFEREES OF THE SENATE

17. All amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.

18. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

**RULES RELATING TO LOBBYING**

19. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

20. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

21. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensa-

**2nd Day**

tion, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

22. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

23. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

24. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

25. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

26. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and

to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

Senator Mitchell moved that the Rules be suspended and the Resolution, HJR 9, set out in the foregoing Message from the House be considered.

Senator Roberts offered the following amendment to the Resolution, HJR 9, to-wit:

### AMENDMENT TO HJR 9

Amend HJR 9 on page 3 by deleting lines 1 through 8 and inserting in lieu thereof:

“8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer. In aid of the reference work required by law to be done for members of the Legislature the privileges of the floor of both houses are accorded the Director of the Alabama Law Institute, and the Chief Examiner of the Department of Examiners of Public Accounts when requested by a member.”

Which was adopted.

Senator Bedford offered the following amendment to the Resolution, HJR 9, as amended, to-wit:

### AMENDMENT TO HJR 9, AS AMENDED

Amend HJR 9, as amended, on page 6, line 16 by deleting the word “They” and substituting in lieu thereof the following: “The house of origin”.

Which was adopted.

Senator Bailey offered the following amendment to the Resolution, HJR 9, as amended, to-wit:

### AMENDMENT TO HJR 9, AS AMENDED

Amend the Joint Rules of the Two Houses of the Legislature on

page 8, on line 18 by inserting the following new rule and renumbering all subsequent rules accordingly:

“17. The Legislative Fiscal Office shall prepare and provide to all members of the Legislature a report of all changes (word and number) in a conference committee report on any appropriation bill from the bill as passed in the respective house of the Legislature.”

Which was adopted.

Senator Bailey then offered the following amendment No. 2 to the Resolution, HJR 9, as amended, to-wit:

#### **AMENDMENT NO. 2 TO HJR 9, AS AMENDED**

Amend the Joint Rules of the Two Houses of the Legislature on page 8, on line 18 by inserting the following new rule and renumbering all subsequent rules accordingly:

“17. Any conference committee report on an appropriation bill shall be copied and available to members of the House and Senate for a minimum of two (2) hours following the receipt of an official copy of that report by the Presiding Officer of each house while in session before a vote may be taken in that house on that report. This rule shall only apply to the original conference committee report of an appropriation bill and not to reports on appropriation bills recommitted to another conference committee.”

Which was adopted.

Senator Bailey then offered the following amendment No. 3 to the Resolution, HJR 9, as amended, to-wit:

#### **AMENDMENT NO. 3 TO HJR 9, AS AMENDED**

Amend the Joint Rules of the Two Houses of the Legislature on page 8, on line 18 by inserting the following new rule and renumbering all subsequent rules accordingly:

“17. The House and Senate shall recess for a minimum of one (1) week after the second legislative day for the purpose of joint hearings of the House Ways and Means Committee, the Senate Committee on Finance and Taxation General Fund, the Senate Committee on Finance and Taxation Education and the Senate Committee on Fiscal Responsibility and Accountability on the proposed budgets.”

Budget information will be available for every member of the Legislature whether the member is a member of the above stated committees or not.

Which was adopted.

### **AMENDMENT RECONSIDERED**

On motion of Senator Bailey, the Senate reconsidered the vote by which the Bailey amendment No. 2 was adopted.

And on motion of Senator Bailey, said amendment was laid on the table.

### **FURTHER CONSIDERATION OF HJR 9**

The Senate proceeded to further consideration of the Resolution, HJR 9, as amended.

Senator Bedford offered the following amendment No. 2 to the Resolution, HJR 9, as amended, to-wit:

#### **AMENDMENT NO. 2 TO HJR 9, AS AMENDED**

In Rule 20, page 9, line 23, add the following at the end of the line:

“No registered lobbyist shall circulate a cloture petition or circulate a bill for the signing of co-sponsors.”

Which was adopted

Senator Lipscomb offered the following amendment to the Resolution, HJR 9, as amended, to-wit:

#### **AMENDMENT TO HJR 9, AS AMENDED**

Amend Joint Rule 16 relating to committees as follows:

On Page 6, Line 3, after the number “16.” add:

(a)

On Page 8, Line 29, add the following additional subsection (b):

(b) Notice of meetings of conference committees shall be posted at

least one hour prior to the meeting in the same manner as posting of notice of standing committee meetings.

Senator Mitchem moved that said amendment be laid on the table, which motion was lost.

Yeas 9 Nays 20

Yeas:

Senators:

Barron, Bedford, Freeman, Langford, Lindsey, McClain, Mitchem, Roberts, and Sanders - 9

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Butler, Clay, Davidson, Dixon, Escott-Russell, Figures, Hill, Lipscomb, Little, Mitchell, Myers, Poole, Smith, Smitherman, Steele, and Waggoner -20

And said amendment was then adopted.

Senator Hale offered the following amendment to the Resolution, HJR 9, as amended, to-wit:

#### **AMENDMENT TO HJR 9, AS AMENDED**

Amend the Joint Rules on page 10 after line 25 by inserting the following new rule and renumbering all subsequent rules accordingly:

“23. Nothing contained in the rules concerning lobbying shall in any way violate or attempt to violate the freedoms, including the freedom of speech, contained in the Constitution of the United States or the Constitution of Alabama. Any provisions of these rules which violate this section shall be void ab initio.”

Which was adopted.

Senator Lindsey offered the following amendment to the Resolution, HJR 9, as amended, to-wit:

#### **AMENDMENT TO HJR 9, AS AMENDED**

On Page 8, Line 18, add the following new underlined Rule 17 relating to appropriations:

17. Every bill making an appropriation, except the General Ap-



**2nd Day**

appropriation Bill and the Education Appropriation Bill, shall clearly stipulate in the bill's title the amount and the source from which the appropriation is to be made.

Which was adopted.

And on motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 9, as thus amended, was concurred in and adopted by the Senate.

**RECESS**

At 10:15 A.M., Senator Mitchell moved that the Senate take a recess until 10:30 A.M., to assemble in Joint Session in the House of Representatives Chamber to witness the opening and publishing of returns, and further moved that at the completion of the Joint Session the Senate stand in adjournment until Tuesday, January 17, 1995, at 11 o'clock A.M., which motion was adopted.

**JOINT SESSION**

At 10:30 A.M., in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 8, 1994, as required by Section 115 of the Constitution of Alabama.

The Session was called to order by the Honorable Michael Figures, President Pro Tempore and Presiding Officer of the Senate, who directed the Secretary of the Senate to call the roll of the Senate, when the following members answered to their names:

Senators: Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom.

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members of the House answered to their names:

Reps.: Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller,

**2nd Day**

Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, and Wren.

The President Pro Tempore and Presiding Officer of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the Joint Session was to open the returns of, count, ascertain, and proclaim the results of the election held on the 8th Day of November, 1994, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in joint convention assembled, the returns of the election held on the 8th day of November, 1994, for Executive Officers for the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and Commissioner of Agriculture and Industries.

(See House Journal for Tabulation of Votes.)

The Speaker of the House of Representatives, the Honorable James C. Clark, then declared that the Honorable Fob James, the Honorable Don Siegelman, the Honorable Jeff Sessions, the Honorable Jim Bennett, the Honorable Pat Duncan, and the Honorable Jack Thompson, were duly and constitutionally elected to the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and Commissioner of Agriculture and Industries.

**ADJOURNMENT**

The purpose of the Joint Session having been accomplished, at 11 o'clock A.M., in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 17, 1995, at 11 o'clock A.M.

## **EIGHTH LEGISLATIVE DAY**

**TUESDAY, JANUARY 17, 1995**

(The Senate was not in session on the Third through the Seventh Day.)

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Senator Bobby Denton, First Senatorial District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Danna and Joseph Siegelman, Forest Avenue Elementary School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

### **JOURNAL**

On motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has non-concurred in the Senate amendment to the following House Joint Resolution:

**HJR 9. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.**

and request a Committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House, Reps. Hammett, Venable, and Knight (J).

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Resolution, HJR 9, the title of which is set out in the foregoing Message from the House, by a voice vote.

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Mitchell, Sanders, and Bailey.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hill and Knight (A):

**HJR 24.** COMMENDING FRANK CORLEY ELLIS, JR., OF COLUMBIANA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

By Rep. Gipson:

**HJR 26.** COMMENDING FRED JENSEN AS OUTSTANDING COACH OF FORMER AUTAUGA COUNTY HIGH SCHOOL.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Waggoner, the Rules were suspended and the Resolution, HJR 24, set out in the foregoing Message from the House,

was concurred in and adopted by the Senate.

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 26, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carns:

**HJR 19.** RECOGNIZING MRS. LINDA MENDEL OF MOUNTAIN BROOK, ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 19, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 2.** COMMENDING ROBIN BUTLER OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 3.** RECOGNIZING STATE REPRESENTATIVE PETE TURNHAM OF AUBURN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 5.** COMMENDING NANCY KNIGHTEN FOR-

RESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 4.** HONORING THOMAS D. SAMFORD III, ON THE OCCASION OF HIS RETIREMENT.

Also:

**SJR 6.** CONGRATULATING THE ASHLAND HIGH SCHOOL PANTHERS ON THE 1994 STATE CLASS 2-A FOOTBALL CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

DANNY HOLMES,  
Appointments Office.

Done this 13th day of January, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ms. Gina McKell of Birmingham, Alabama to serve as a member of the Alabama Commission on Higher Education effective January 13, 1995. She will be representing the 6th Congressional District and her term will expire August 31, 2003.

Respectfully submitted,

JIM FOLSOM,  
Governor.

Done this 13th day of January, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 6.** CREATING A LEGISLATIVE PARKING COMMITTEE.

Also:

**HJR 11.** COMMENDING THE UNIVERSITY OF NORTH ALABAMA FOOTBALL TEAM FOR WINNING A SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

Also:

**HJR 16.** COMMENDING THE GREENVILLE HIGH SCHOOL TIGERS ON WINNING THE 1994 STATE 5A FOOTBALL CHAMPIONSHIP.

Also:

**8th Day**

**HJR 17.** COMMENDING NANCY KNIGHTEN FORRESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.

Also:

**HJR 2.** COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

**HJR 3.** COMMENDING JAMES M. CAMPBELL OF ANNISTON, ALABAMA.

Also:

**HJR 4.** BINDING OF ACTS AND JOURNALS.

Also:

**HJR 7.** RELATIVE TO MEETING DAYS.

Also:

**HJR 8.** RELATIVE TO JOINT SESSION.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**RECESS**

At 11:24 A.M., on motion of Senator Figures, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 11:40 A.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.



## RESOLUTION

Senator Dial offered the following Senate Joint Resolution, to-wit:

**SJR 7.** DESIGNATING STATE HIGHWAY 9 IN CHEROKEE COUNTY, "THE GOSHEN MEMORIAL HIGHWAY."

WHEREAS, a ravaging tornado passed through northern Alabama on Palm Sunday 1994, and left a trail of death and devastation; and

WHEREAS, the Goshen United Methodist Church in the small southern Cherokee County community of Spring Garden was completely destroyed causing the death of 20 parishioners; and

WHEREAS, the memory of the loss of loved ones and the ongoing efforts of the remaining family members, friends, and neighbors, to readjust to life without them continues; and

WHEREAS, the outpouring of aid and assistance from the community and government leaders has immensely helped the affected survivors of this tragedy as they struggle to recover from the loss of life and property; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of State Highway 9 in Cherokee County, starting at the Piedmont city limits to the Centre city limits be designated as "The Goshen Memorial Highway," in memory of the lost lives and property destroyed by the tornado that swept through the county on Palm Sunday 1994.

BE IT FURTHER RESOLVED, That the State Department of Transportation erect and maintain signs and markers showing this designation.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the Senate amendment to the Resolution:

**HJR 9.** ADOPTING JOINT RULES OF THE TWO

## HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.

And said Conference Report being in words and figures as follows,  
to-wit:

**REPORT OF COMMITTEE ON CONFERENCE ON HJR 9**

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning HJR 9 have met, considered the matter, and agreed to the following:

Respectfully submitted,

SETH HAMMETT,  
JOHN KNIGHT,  
JACK VENABLE

Conferees of House.

CHIP BAILEY,  
WENDELL MITCHELL,  
HANK SANDERS,

Conferees of Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR HJR 9****JOINT RULES  
OF THE TWO HOUSES OF THE LEGISLATURE OF  
ALABAMA**

1. Messages from one house to the other shall take precedence over all other questions.

2. When House and Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The draft of any bill which is for introduction at any session of the Legislature, and which is not prepared by the Legislative Reference Service, the Legislative Fiscal Office, or the Executive Budget Office, shall be presented to the Legislative Reference Service for review, preparation of a synopsis, and entry into the Legislative Data Bank at least two days prior to introduction.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History, the Legislative Reference Service, and the Legislative Fiscal Office.

In aid of the reference work required by law to be done for members of the Legislature, the privileges of the floor of both houses are accorded the Director of the Alabama Law Institute and the Chief Examiner of the Department of Examiners of Public Accounts when requested by a member.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding

**8th Day**

officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary of the Senate or Clerk of the House for introduction in either House unless it is a legible copy, typed on 8 1/2" by 11" paper with numbered lines which are double-spaced.

(d) All bills or resolutions that have been amended in the House of origin shall be engrossed by that House prior to being delivered to the other House.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. Every bill making an appropriation, except the General Appropriation Bill and the Education Appropriation Bill, shall clearly stipulate in

**8th Day**

the bill's title the amount and the source from which the appropriation is to be make.

15. Any bill that proposes an amendment to the Constitution of the State of Alabama shall include in the text of the bill specific language that shall appear on the ballot if the bill is passed by the Legislature.

16. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

**RULES RELATING TO COMMITTEES**

17. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate.

Notice of meetings of Committees on Conference shall be posted at least one hour prior to the meeting in the same manner as the posting of notice of standing committee meetings.

Provided, however, that on the 12th legislative day of any special session or on the 30th day of any regular session the provisions of this rule shall be satisfied if the meeting time and place of a Conference Committee is announced publically by the presiding officer of each house.

The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill \_\_\_\_ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. \_\_\_\_ is attached).

(Example: Amend H.B./S.B. \_\_\_\_ as follows:)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

CONFEREES OF THE HOUSE

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

CONFEREES OF THE SENATE

18. The Legislative Fiscal office shall prepare and provide to all members of the Legislature a report of all changes (word and number) in a Conference Committee report on any appropriation bill from the bill as passed in the respective house of the Legislature.

19. All amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.

20. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

21. The House and Senate shall recess for a minimum of one week after the second legislative day of each regular session for the purpose of joint hearings of the House Ways and Means Committee, the Senate Committee on Finance and Taxation General Fund, the Senate Committee on Finance and Taxation Education, and the Senate Committee on Fiscal Responsibility and Accountability on the proposed budgets.

Budget information will be available for every member of the Legislature whether he is a member of the above stated committees or not.

## **RULES RELATING TO LOBBYING**

22. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

23. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided. No registered lobbyist shall circulate a cloture petition.

24. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

25. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

26. Rules Committee Advisory Opinions. A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

27. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.



28. Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

29. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

And said Resolution, HJR 9, together with the Conference Report, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### **HOUSE AND CONFERENCE MESSAGE**

On motion of Senator Mitchell, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Resolution, HJR 9, the title of which and said Conference Report are set out in the foregoing Message from the House, by a voice vote.

### **RECESS**

At 11:47 A.M., on motion of Senator Bailey, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 11:55 A.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

### **APPOINTMENTS OF STANDING COMMITTEES**

The President and Presiding Officer of the Senate announced the following Standing Committees of the Senate for the quadrennium, 1995-1998, to-wit:

### **ECONOMIC EXPANSION AND TRADE**

Freeman, Chairperson; Hale, Vice Chairperson; Bedford, Biddle, Figures.

**RULES**

Lindsey, Chairperson; Bedford, Vice Chairperson; Bailey, Biddle, Denton, Figures, Freeman, Sanders, Windom.

**JUDICIARY**

Bedford, Chairperson; Amari, Vice Chairperson; Davidson, Escott-Russell, Figures, Langford, Lindsey, Lipscomb, Little, Sanders, Smitherman, Steele, Windom.

**CRIME AND PUNISHMENT AND PRISON REFORM SUBCOMMITTEE**

Davidson, Lindsey, Little.

**VIOLENT ACTS AGAINST THE ELDERLY AND DOMESTIC VIOLENCE SUBCOMMITTEE**

Escott-Russell, Sanders, Windom.

**VIOLENCE IN SCHOOLS SUBCOMMITTEE**

Lipscomb, Smitherman, Steele.

**LAW ENFORCEMENT AND VICTIMS RIGHTS SUBCOMMITTEE**

Bedford, Little, Steele.

**JUDICIAL AND CIVIL JUSTICE SYSTEM SUBCOMMITTEE**

Amari, Lindsey, Smitherman.

**GOVERNMENTAL AFFAIRS**

Mitchell, Chairperson; Dixon, Vice Chairperson; Adams, Denton, Ghee, Myers, Smitherman.

**STATE ADMINISTRATION AND STATE EMPLOYEES SUBCOMMITTEE**

Dixon, Smitherman, Vacancy, Vacancy.

**COUNTIES AND MUNICIPAL GOVERNMENTS SUBCOMMITTEE**

Myers, Chairperson; Smitherman, Vacancy, Vacancy.

**EDUCATION**

Ghee, Chairperson; Waggoner, Vice Chairperson; Armistead, Bailey, Bedford, Figures, Langford, Lipscomb, Steele.

**PRIMARY AND SECONDARY EDUCATION SUBCOMMITTEE**

Figures, Ghee, Lipscomb.

**POST SECONDARY AND HIGHER EDUCATION SUBCOMMITTEE**

Armistead, Langford, Steele.

**STREAMLINING THE DEPARTMENT OF EDUCATION SUBCOMMITTEE**

Armistead, Bedford, Waggoner.

**CONSTITUTION, CAMPAIGN FINANCE, ETHICS, AND ELECTIONS**

Denton, Chairperson; Armistead, Bailey, Butler, Dixon, Ghee, Hill, Little, Poole, Smitherman, Steele, Windom, Vacancy.

**CONSTITUTIONAL REVISION SUBCOMMITTEE**

Poole, Chairperson; Vacancy, Vacancy.

**CAMPAIGN FINANCE ACCOUNTABILITY SUBCOMMITTEE**

Dixon, Little, Vacancy.

**ETHICS IN GOVERNMENT SUBCOMMITTEE**

Bailey, Hill, Vacancy.

**ELECTION LAWS AND VOTER PARTICIPATION SUBCOMMITTEE**

Armistead, Dixon, Vacancy.

**CONSERVATION, ENVIRONMENT, AND NATURAL RESOURCES**

McClain, Chairperson; Biddle, Vice Chairperson; Bailey, Bedford, Escott-Russell, Hill, Windom.

## FISH AND GAME SUBCOMMITTEE

Bedford, Biddle, Hill.

## LAND, AIR, AND WATER SUBCOMMITTEE

Escott-Russell, McClain, Windom.

## WATERWAYS AND COASTAL WATERS SUBCOMMITTEE

Bailey, Escott-Russell, Windom.

**BANKING AND INSURANCE**

Windom, Chairperson; Amari, Vice Chairperson; Clay, Escott-Russell, Mitchem, Roberts, Waggoner.

## BANKING SUBCOMMITTEE

Amari, Escott-Russell, Mitchem.

## INSURANCE SUBCOMMITTEE

Clay, Roberts, Waggoner.

**SMALL BUSINESS AND RURAL DEVELOPMENT**

Butler, Chairperson; Smith, Vice Chairperson; Adams, Clay, Davidson, Poole, Sanders, Steele, Vacancy.

## SMALL BUSINESS DEVELOPMENT SUBCOMMITTEE

Vacancy, Vacancy, Vacancy.

## VOLUNTEER FIRE FIGHTERS AND RESCUE WORKERS SUBCOMMITTEE

Butler, Chairperson; Poole, Vacancy.

## RURAL DEVELOPMENT SUBCOMMITTEE

Steele, Vacancy, Vacancy.

**INDUSTRIAL DEVELOPMENT AND RECRUITMENT**

Roberts, Chairperson; Armistead, Vice Chairperson; Denton,

McClain, Myers, Poole, Smith, Vacancy, Vacancy.

ECONOMIC RECRUITMENT AND RESEARCH SUBCOMMITTEE

Poole, Chairperson; Vacancy, Vacancy.

ALABAMA DEVELOPMENT OFFICE SUBCOMMITTEE

Armistead, Vacancy, Vacancy.

ECONOMIC INCENTIVES SUBCOMMITTEE

Vacancy, Vacancy, Vacancy.

**COMMERCE, TRANSPORTATION, AND UTILITIES**

Hale, Chairperson; Waggoner, Vice Chairperson; Bedford, Biddle, Davidson, Freeman, Lindsey, McClain, Steele.

MINING AND RECLAMATION SUBCOMMITTEE

Biddle, Davidson, McClain.

OIL AND GAS SUBCOMMITTEE

Lindsey, Steele, Waggoner.

TRANSPORTATION AND UTILITIES SUBCOMMITTEE

Bedford, Freeman, Hale.

TRAFFIC REGULATIONS AND RAILWAYS SUBCOMMITTEE

Davidson, Freeman, Hale.

**HEALTH AND HUMAN RESOURCES**

Biddle, Chairperson; Freeman, Vice Chairperson; Bedford, Butler, Davidson, Lindsey, McClain, Steele, Waggoner.

MENTAL HEALTH SUBCOMMITTEE

Butler, Steele, Vacancy.

RIGHTS OF ALABAMA'S DISABILITY COMMUNITY SUBCOMMITTEE

Biddle, Mitchell, Vacancy.

WELFARE REFORM SUBCOMMITTEE

McClain, Waggoner, Vacancy.

**AGRICULTURE AND FORESTRY**

Myers, Chairperson; Lipscomb, Vice Chairperson; Adams, Barron, Butler, Denton, Freeman, Hill, Mitchem.

ANIMAL AGRICULTURE SUBCOMMITTEE

Barron, Freeman, Myers.

CROPS AND NURSERIES SUBCOMMITTEE

Butler, Denton, Lipscomb.

FORESTRY DEVELOPMENT AND PRESERVATION SUBCOMMITTEE

Adams, Hill, Mitchem.

**TOURISM AND MARKETING**

Langford, Chairperson; Myers, Vice Chairperson; Barron, Clay, Figures, Lindsey, McClain.

COLLEGE SPORTS, PROFESSIONAL SPORTS, AND AUTO RACING SUBCOMMITTEE

Vacancy, Vacancy, Vacancy.

HISTORICAL PRESERVATION SUBCOMMITTEE

Vacancy, Vacancy, Vacancy.

THEATER AND FINE ARTS SUBCOMMITTEE

Vacancy, Vacancy, Vacancy.

**8th Day**

**STATE PARKS, CONVENTION AND VISITORS BUREAUS, ATTRACTIONS, ACCOMMODATIONS, AND MUSEUMS SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

**BUSINESS AND LABOR**

Amari, Chairperson; Langford, Vice Chairperson; Bedford, Clay, Escott-Russell, Ghee, Myers, Smith, Smitherman.

**DEPARTMENT OF LABOR AND DEPARTMENT OF INDUSTRIAL RELATIONS SUBCOMMITTEE**

Bedford, Myers, Smith.

**REFORMING ALABAMA'S WORKERS' COMPENSATION LAWS SUBCOMMITTEE**

Amari, Ghee, Langford.

**UNEMPLOYMENT COMPENSATION AND JOB PLACEMENT SUBCOMMITTEE**

Clay, Escott-Russell, Smitherman.

**VETERANS AND MILITARY AFFAIRS**

Adams, Chairperson; Butler, Clay, Dixon, Ghee, Langford, McClain, Smith, Vacancy.

**ALABAMA NATIONAL GUARD AND RESERVE SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

**RETENTION OF ALABAMA MILITARY BASES SUBCOMMITTEE**

Adams, Langford, Vacancy.

**RIGHTS OF VETERANS SUBCOMMITTEE**

Dixon, Vacancy, Vacancy.

**FINANCE AND TAXATION GENERAL FUND**

Barron, Chairperson; Armistead, Vice Chairperson; Bailey, Bedford,

**8th Day**

Butler, Clay, Davidson, Escott-Russell, Figures, Freeman, McClain, Mitchem, Steele, Vacancy.

**HEALTH AND HUMAN SERVICES SUBCOMMITTEE**

Butler, Davidson, Vacancy, Vacancy.

**LEGISLATIVE, JUDICIAL, AND GENERAL GOVERNMENT SUBCOMMITTEE**

Armistead, Bedford, Vacancy, Vacancy.

**TRANSPORTATION, AGRICULTURE, NATURAL RESOURCES, AND ECONOMIC DEVELOPMENT SUBCOMMITTEE**

Davidson, Mitchem, Vacancy, Vacancy.

**FINANCE AND TAXATION EDUCATION**

Sanders, Chairperson; Bailey, Vice Chairperson; Bedford, Denton, Freeman, Ghee, Hill, Langford, Little, Mitchem, Poole, Roberts, Smitherman, Vacancy.

**K-12 EDUCATION SUBCOMMITTEE**

Ghee, Chairperson; Freeman, Hill, Smitherman, Vacancy.

**POSTSECONDARY EDUCATION SUBCOMMITTEE**

Langford, Chairperson; Bedford, Poole, Freeman, Vacancy.

**CONFIRMATIONS**

Mitchem, Chairperson; Davidson, Vice Chairperson; Armistead, Hill, McClain.

**FISCAL RESPONSIBILITY AND ACCOUNTABILITY**

Bailey, Chairperson; Little, Vice Chairperson; Armistead, Butler, Denton, Dixon, Escott-Russell, Hill, Steele.

**ACCOUNTABILITY IN THE BUDGET PROCESS SUBCOMMITTEE**

Bailey, Dixon, Vacancy.



ACCOUNTABILITY FOR STATE EXPENDITURES SUBCOMMITTEE

Dixon, Little, Vacancy.

ELIMINATING PRORATION SUBCOMMITTEE

Armistead, Dixon, Vacancy.

**LOCAL LEGISLATION NO. 1**

Bedford, Chairperson; Davidson, Vice Chairperson; Bailey, Freeman, Langford, Vacancy, Vacancy.

**LOCAL LEGISLATION NO. 2**

Amari, Biddle, Davidson, Escott-Russell, McClain, Smitherman, Waggoner.

**LOCAL LEGISLATION NO. 3**

Windom, Chairperson; Myers, Vice Chairperson; Figures, Lipscomb.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 2.** COMMENDING ROBIN BUTLER OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 3.** RECOGNIZING STATE REPRESENTATIVE PETE TURNHAM OF AUBURN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 4.** HONORING THOMAS D. SAMFORD III, ON THE OCCASION OF HIS RETIREMENT.

Also:

**SJR 5.** COMMENDING NANCY KNIGHTEN FOR-  
RESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEG-  
ISLATURE AND TO THE STATE OF ALABAMA.

Also:

**SJR 6.** CONGRATULATING THE ASHLAND HIGH  
SCHOOL PANTHERS ON THE 1994 STATE CLASS 2-A FOOTBALL  
CHAMPIONSHIP.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 19.** RECOGNIZING MRS. LINDA MENDEL OF  
MOUNTAIN BROOK, ALABAMA.

Also:

**HJR 24.** COMMENDING FRANK CORLEY ELLIS, JR., OF  
COLUMBIANA, ALABAMA, FOR DISTINGUISHED SERVICE TO  
THE STATE OF ALABAMA.

Also:

**HJR 26.** COMMENDING FRED JENSEN AS OUTSTAND-  
ING COACH OF FORMER AUTAUGA COUNTY HIGH SCHOOL.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 9. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 2      SJR 3      SJR 4      SJR 5      SJR 6

Delivered to the Governor on January 17, 1995, at 12:30 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**ADJOURNMENT**

At 12:30 P.M., on motion of Senator Mitchell, the Senate adjourned sine die.

**ROSTER OF THE SENATE OF ALABAMA  
ORGANIZATIONAL SESSION 1995**

**OFFICERS**

DON SIEGELMAN, *Lieutenant Governor*, Montgomery

MICHAEL FIGURES, *President Pro-Tempore*, Mobile

CHARLES McDOWELL LEE, *Secretary*, Montgomery

D. PATRICK HARRIS, *Assistant Secretary*, Montgomery

DAVID AVANT, *Administrative Assistant*, Prattville

MRS. SUZAN McCLELLAND, *Chief Clerk*, Prattville

**MEMBERS OF THE SENATE**

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE Bobby E. Denton .....	P.O. Box 987 Tuscumbia 35674
2	LIMESTONE, MADISON, MORGAN Tom Butler .....	136 Hartington Drive Madison 35758
3	LAWRENCE, MORGAN, WINSTON Tommy Ed Roberts .....	P.O. Box 1268 Hartselle 35640
4	CULLMAN, MADISON, MORGAN Don Hale .....	P.O. Box 747 Cullman 35055-0747
5	JEFFERSON, SHELBY, TUSCALOOSA, WALKER, WINSTON Charles Davidson .....	Route 9, Box 439-K Jasper 35501
6	COLBERT, FAYETTE, FRANKLIN, LAMAR, MARION, PICK- ENS, WINSTON Roger Bedford .....	P.O. Box 669 Russellville 35653



- 18 JEFFERSON  
Rodger Smitherman ..... 1919 Morris Avenue, Suite 1550  
Birmingham 35203
- 19 JEFFERSON  
Edward "E.B." McClain ..... 3826 Troy Terrace  
Brighton 35020
- 20 JEFFERSON  
Sundra Escott-Russell ..... P.O. Box 8343  
Birmingham 35218
- 21 HALE, PICKENS, TUSCALOOSA  
Phil Poole ..... P.O. Box 609  
Moundville 35474
- 22 BALDWIN, CHOCTAW, CLARKE, CONECUH, ESCAMBIA,  
MONROE, WASHINGTON  
W. H. "Pat" Lindsey ..... 126 South Mulberry Street  
Butler 36904
- 23 CHOCTAW, CLARKE, CONECUH, DALLAS, LOWNDES,  
MARENGO, MONROE, WILCOX  
Hank Sanders ..... P.O. Box 1305  
Selma 36702
- 24 GREENE, HALE, MARENGO, PERRY, SUMTER, TUSCALOOSA  
Charles Steele, Jr. .... 3017 6th Street  
Tuscaloosa 35401
- 25 ELMORE, MONTGOMERY  
Larry Dixon ..... P.O. Box 946  
Montgomery 36106
- 26 MONTGOMERY  
Charles Langford ..... 400 S. Union Street, Suite 205  
Montgomery 36104
- 27 LEE, RUSSELL, TALLAPOOSA  
T. D. "Ted" Little ..... P.O. Box 2366  
Auburn 36830-2366
- 28 BARBOUR, BULLOCK, HENRY, LEE, MACON, RUSSELL  
George Clay ..... P.O. Box 299  
Tuskegee 36083

- 29 DALE, GENEVA, HENRY, HOUSTON  
Chip Bailey ..... P.O. Box 6791  
Dothan 36302
- 30 AUTAUGA, BUTLER, CRENSHAW, DALE, ELMORE, LOWNDES,  
PIKE  
Wendell Mitchell ..... P.O. Box 225  
Luverne 36049
- 31 COFFEE, COVINGTON, DALE, HOUSTON  
Dwight Adams ..... P.O. Box 1364  
Enterprise 36331
- 32 BALDWIN, MOBILE  
Albert Lipscomb ..... P.O. Box 209  
Magnolia Springs 36555
- 33 MOBILE  
Michael Figures ..... P.O. Box 10337  
Prichard 36610
- 34 MOBILE  
H.E. "Hap" Myers, Jr. .... P.O. Box 135  
Mobile 36601
- 35 MOBILE  
Steve Windom ..... P.O. Drawer 2025  
Mobile 36652
-



**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1995**

---

**ECONOMIC EXPANSION AND TRADE**

Freeman, Chairperson; Hale, Vice Chairperson; Bedford, Biddle, Figures, (Mitchell, ex officio voting member per rule 47(b)).

**RULES**

Lindsey, Chairperson; Bedford, Vice Chairperson; Bailey, Biddle, Denton, Figures, Freeman, Sanders, Windom, (Mitchell, ex officio voting member per rule 47(b)).

**JUDICIARY**

Bedford, Chairperson; Amari, Vice Chairperson; Davidson, Escott-Russell, Figures, Langford, Lindsey, Lipscomb, Little, Sanders, Smitherman, Steele, Windom, (Mitchell, ex officio voting member per rule 47(b)).

**CRIME AND PUNISHMENT AND PRISON REFORM SUBCOMMITTEE**

Davidson, Chairperson; Lindsey, Little.

**VIOLENT ACTS AGAINST THE ELDERLY AND DOMESTIC VIOLENCE SUBCOMMITTEE**

Escott-Russell, Chairperson; Sanders, Windom.

**VIOLENCE IN SCHOOLS SUBCOMMITTEE**

Lipscomb, Chairperson; Smitherman, Steele.

**LAW ENFORCEMENT AND VICTIMS RIGHTS SUBCOMMITTEE**

Bedford, Chairperson; Little, Steele.

**JUDICIAL AND CIVIL JUSTICE SYSTEM SUBCOMMITTEE**

Amari, Chairperson; Lindsey, Smitherman.

**GOVERNMENTAL AFFAIRS**

Mitchell, Chairperson; Dixon, Vice Chairperson; Adams, Denton, Ghee, Myers, Smitherman.

**STATE ADMINISTRATION AND STATE EMPLOYEES SUBCOMMITTEE**

Dixon, Chairperson; Smitherman, Vacancy, Vacancy.

**COUNTIES AND MUNICIPAL GOVERNMENTS SUBCOMMITTEE**

Myers, Chairperson; Smitherman, Vacancy, Vacancy.

**EDUCATION**

Ghee, Chairperson; Waggoner, Vice Chairperson; Armistead, Bailey, Bedford, Figures, Langford, Lipscomb, Steele, (Mitchell, ex officio voting member per rule 47(b)).

**PRIMARY AND SECONDARY EDUCATION SUBCOMMITTEE**

Ghee, Chairperson; Figures, Lipscomb.

**POSTSECONDARY AND HIGHER EDUCATION SUBCOMMITTEE**

Armistead, Chairperson; Langford, Steele.

**STREAMLINING THE DEPARTMENT OF EDUCATION SUBCOMMITTEE**

Waggoner, Chairperson; Armistead, Bedford.

**CONSTITUTION, CAMPAIGN FINANCE,  
ETHICS, AND ELECTIONS**

Denton, Chairperson; Armistead, Bailey, Butler, Dixon, Ghee, Hill, Little, Poole, Smitherman, Steele, Windom, Vacancy, (Mitchell, ex officio voting member per rule 47(b)).

**CONSTITUTIONAL REVISION SUBCOMMITTEE**

Poole, Chairperson; Vacancy, Vacancy.

**CAMPAIGN FINANCE ACCOUNTABILITY SUBCOMMITTEE**

Little, Chairperson; Dixon, Vacancy.

**ETHICS IN GOVERNMENT SUBCOMMITTEE**

Hill, Chairperson; Bailey, Vacancy.

**ELECTION LAWS AND VOTER PARTICIPATION SUBCOMMITTEE**

Armistead, Chairperson; Dixon, Vacancy.

**CONSERVATION, ENVIRONMENT, AND  
NATURAL RESOURCES**

McClain, Chairperson; Biddle, Vice Chairperson; Bailey, Bedford, Escott-Russell, Hill, Windom, (Mitchell, ex officio voting member per rule 47(b)).

**FISH AND GAME SUBCOMMITTEE**

Biddle, Chairperson; Bedford, Hill.

**LAND, AIR, AND WATER SUBCOMMITTEE**

Escott-Russell, Chairperson; McClain, Windom.

**WATERWAYS AND COASTAL WATERS SUBCOMMITTEE**

Windom, Chairperson; Bailey, Escott-Russell,

**BANKING AND INSURANCE**

Windom, Chairperson; Amari, Vice Chairperson; Clay, Escott-Russell, Mitchem, Roberts, Waggoner, (Mitchell, ex officio voting member per rule 47(b)).

**BANKING SUBCOMMITTEE**

Amari, Chairperson; Escott-Russell, Mitchem.

**INSURANCE SUBCOMMITTEE**

Clay, Chairperson; Roberts, Waggoner.

**SMALL BUSINESS AND RURAL DEVELOPMENT**

Butler, Chairperson; Smith, Vice Chairperson; Adams, Clay, Davidson, Poole, Sanders, Steele, Vacancy, (Mitchell, ex officio voting

member per rule 47(b)).

#### **SMALL BUSINESS DEVELOPMENT SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

#### **VOLUNTEER FIRE FIGHTERS AND RESCUE WORKERS SUBCOMMITTEE**

Butler, Chairperson; Poole, Vacancy.

#### **RURAL DEVELOPMENT SUBCOMMITTEE**

Steele, Vacancy, Vacancy.

#### **INDUSTRIAL DEVELOPMENT AND RECRUITMENT**

Roberts, Chairperson; Armistead, Vice Chairperson; Denton, McClain, Myers, Poole, Smith, Vacancy, Vacancy, (Mitchell, ex officio voting member per rule 47(b)).

#### **ECONOMIC RECRUITMENT AND RESEARCH SUBCOMMITTEE**

Poole, Chairperson; Vacancy, Vacancy.

#### **ALABAMA DEVELOPMENT OFFICE SUBCOMMITTEE**

Armistead, Vacancy, Vacancy.

#### **ECONOMIC INCENTIVES SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

#### **COMMERCE, TRANSPORTATION, AND UTILITIES**

Hale, Chairperson; Waggoner, Vice Chairperson; Bedford, Biddle, Davidson, Freeman, Lindsey, McClain, Steele, (Mitchell, ex officio voting member per rule 47(b)).

#### **MINING AND RECLAMATION SUBCOMMITTEE**

Biddle, Davidson, McClain.

#### **OIL AND GAS SUBCOMMITTEE**

Lindsey, Chairperson; Steele, Waggoner.

**TRANSPORTATION AND UTILITIES SUBCOMMITTEE**

Freeman, Chairperson; Bedford, Hale.

**TRAFFIC REGULATIONS AND RAILWAYS SUBCOMMITTEE**

Hale, Chairperson; Davidson, Freeman.

**HEALTH AND HUMAN RESOURCES**

Biddle, Chairperson; Freeman, Vice Chairperson; Bedford, Butler, Davidson, Lindsey, McClain, Steele, Waggoner, (Mitchell, ex officio voting member per rule 47(b)).

**MENTAL HEALTH SUBCOMMITTEE**

Steele, Chairperson; Butler, Vacancy.

**RIGHTS OF ALABAMA'S DISABILITY COMMUNITY SUBCOMMITTEE**

Mitchell, Chairperson; Biddle, Vacancy.

**WELFARE REFORM SUBCOMMITTEE**

Waggoner, Chairperson; McClain, Vacancy.

**AGRICULTURE AND FORESTRY**

Myers, Chairperson; Lipscomb, Vice Chairperson; Adams, Barron, Butler, Denton, Freeman, Hill, Mitchem, (Mitchell, ex officio voting member per rule 47(b)).

**ANIMAL AGRICULTURE SUBCOMMITTEE**

Barron, Chairperson; Freeman, Myers.

**CROPS AND NURSERIES SUBCOMMITTEE**

Lipscomb, Chairperson; Butler, Denton.

**FORESTRY DEVELOPMENT AND PRESERVATION SUBCOMMITTEE**

Hill, Chairperson; Adams, Mitchem.

**TOURISM AND MARKETING**

Langford, Chairperson; Myers, Vice Chairperson; Barron, Clay, Figures, Lindsey, McClain, (Mitchell, ex officio voting member per rule 47(b)).

**COLLEGE SPORTS, PROFESSIONAL SPORTS, AND AUTO RACING SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

**HISTORICAL PRESERVATION SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

**THEATER AND FINE ARTS SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

**STATE PARKS, CONVENTION AND VISITORS BUREAUS, ATTRACTIONS, ACCOMMODATIONS, AND MUSEUMS SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

**BUSINESS AND LABOR**

Amari, Chairperson; Langford, Vice Chairperson; Bedford, Clay, Escott-Russell, Ghee, Myers, Smith, Smitherman, (Mitchell, ex officio voting member per rule 47(b)).

**DEPARTMENT OF LABOR AND DEPARTMENT OF INDUSTRIAL RELATIONS SUBCOMMITTEE**

Myers, Chairperson; Bedford, Smith.

**REFORMING ALABAMA'S WORKERS' COMPENSATION LAWS SUBCOMMITTEE**

Amari, Chairperson; Ghee, Langford.

**UNEMPLOYMENT COMPENSATION AND JOB PLACEMENT SUBCOMMITTEE**

Escott-Russell, Chairperson; Clay, Smitherman.

**VETERANS AND MILITARY AFFAIRS**

Adams, Chairperson; Butler, Clay, Dixon, Ghee, Langford, McClain, Smith, Vacancy, (Mitchell, ex officio voting member per rule 47(b)).

**ALABAMA NATIONAL GUARD AND RESERVE SUBCOMMITTEE**

Vacancy, Vacancy, Vacancy.

**RETENTION OF ALABAMA MILITARY BASES SUBCOMMITTEE**

Adams, Chairperson; Langford, Vacancy.

**RIGHTS OF VETERANS SUBCOMMITTEE**

Dixon, Chairperson; Vacancy, Vacancy.

**FINANCE AND TAXATION GENERAL FUND**

Barron, Chairperson; Armistead, Vice Chairperson; Bailey, Bedford, Butler, Clay, Davidson, Escott-Russell, Figures, Freeman, McClain, Mitchem, Steele, Vacancy, (Mitchell, ex officio voting member per rule 47(b)).

**HEALTH AND HUMAN SERVICES SUBCOMMITTEE**

Butler, Chairperson; Davidson, Vacancy, Vacancy.

**LEGISLATIVE, JUDICIAL, AND GENERAL GOVERNMENT SUBCOMMITTEE**

Bedford, Chairperson; Armistead, Vacancy, Vacancy.

**TRANSPORTATION, AGRICULTURE, NATURAL RESOURCES, AND ECONOMIC DEVELOPMENT SUBCOMMITTEE**

Mitchem, Chairperson; Davidson, Vacancy, Vacancy.

**FINANCE AND TAXATION EDUCATION**

Sanders, Chairperson; Bailey, Vice Chairperson; Bedford, Denton, Freeman, Ghee, Hill, Langford, Little, Mitchem, Poole, Roberts, Smitherman, Vacancy, (Mitchell, ex officio voting member per rule 47(b)).

**K-12 EDUCATION SUBCOMMITTEE**

Ghee, Chairperson; Freeman, Hill, Smitherman, Vacancy.

**POSTSECONDARY EDUCATION SUBCOMMITTEE**

Langford, Chairperson; Bedford, Poole, Freeman, Vacancy.

**CONFIRMATIONS**

Mitchem, Chairperson; Davidson, Vice Chairperson; Armistead, Hill, McClain, (Mitchell, ex officio voting member per rule 47(b)).

**FISCAL RESPONSIBILITY AND ACCOUNTABILITY**

Bailey, Chairperson; Little, Vice Chairperson; Armistead, Butler, Denton, Dixon, Escott-Russell, Hill, Steele, (Mitchell, ex officio voting member per rule 47(b)).

**ACCOUNTABILITY IN THE BUDGET PROCESS SUBCOMMITTEE**

Bailey, Chairperson; Dixon, Vacancy.

**ACCOUNTABILITY FOR STATE EXPENDITURES SUBCOMMITTEE**

Little, Chairperson; Dixon, Vacancy.

**ELIMINATING PRORATION SUBCOMMITTEE**

Dixon, Chairperson; Armistead, Vacancy.

**LOCAL LEGISLATION NO. 1**

Bedford, Chairperson; Davidson, Vice Chairperson; Bailey, Freeman, Langford, Vacancy, Vacancy.

**LOCAL LEGISLATION NO. 2**

Amari, Biddle, Davidson, Escott-Russell, McClain, Smitherman, Waggoner.

**LOCAL LEGISLATION NO. 3**

Windom, Chairperson; Myers, Vice Chairperson; Figures, Lipscomb.



**COMMITTEE ASSIGNMENTS 1995**  
**ALABAMA STATE SENATE**

---

**31st District**

ADAMS, DWIGHT

Chairperson, Veterans and Military Affairs (Retention of Alabama Military Bases subcommittee); Governmental Affairs; Small Business and Rural Development; Agriculture and Forestry (Forestry Development and Preservation subcommittee).

**15th District**

AMARI, JOHN

Chairperson, Business and Labor (Reforming Alabama's Workers' Compensation Laws subcommittee); Vice Chairperson, Judiciary (Judicial and Civil Justice System subcommittee); Vice Chairperson, Banking and Insurance (Banking subcommittee); Local Legislation No. 2.

**14th District**

ARMISTEAD, BILL

Vice Chairperson, Industrial Development and Recruitment (Alabama Development Office subcommittee); Vice Chairperson, Finance and Taxation General Fund (Legislative, Judicial, and General Government subcommittee); Education (Postsecondary and Higher Education subcommittee), (Streamlining the Department of Education subcommittee); Constitution, Campaign Finance, Ethics, and Elections (Election Laws and Voter Participation subcommittee); Confirmations; Fiscal Responsibility and Accountability (Eliminating Proration subcommittee).

**29th District**

BAILEY, CHIP

Chairperson, Fiscal Responsibility and Accountability (Accountability in the Budget Process subcommittee); Vice Chairperson, Finance and Taxation Education; Rules; Education; Constitution, Campaign Finance, Ethics, and Elections (Ethics in Government subcommittee); Conservation, Environment, and Natural Resources (Waterways and Coastal Waters subcommittee); Finance and Taxation General Fund; Local Legislation No. 1.

**8th District**

BARRON, LOWELL

Chairperson, Finance and Taxation General Fund; Agriculture and For-

estry (Animal Agriculture subcommittee); Tourism and Marketing.

### **6th District**

**BEDFORD, ROGER**

Chairperson, Judiciary (Law Enforcement and Victims Rights subcommittee); Chairperson, Local Legislation No. 1; Vice Chairperson, Rules; Economic Expansion and Trade; Education (Streamlining the Department of Education subcommittee); Conservation, Environment, and Natural Resources (Fish and Game subcommittee); Commerce, Transportation, and Utilities (Transportation and Utilities subcommittee); Health and Human Resources; Business and Labor (Department of Labor and Department of Industrial Relations subcommittee); Finance and Taxation General Fund (Legislative, Judicial, and General Government subcommittee); Finance and Taxation Education (Postsecondary Education subcommittee).

### **17th District**

**BIDDLE, JACK**

Chairperson, Health and Human Resources (Rights of Alabama's Disability Community subcommittee); Vice Chairperson, Conservation, Environment, and Natural Resources (Fish and Game subcommittee); Economic Expansion and Trade; Rules; Commerce, Transportation, and Utilities (Mining and Reclamation subcommittee); Local Legislation No. 2.

### **2nd District**

**BUTLER, TOM**

Chairperson, Small Business and Rural Development (Chairperson, Volunteer Fire Fighters and Rescue Workers subcommittee); Constitution, Campaign Finance, Ethics, and Elections; Health and Human Resources (Mental Health subcommittee); Agriculture and Forestry (Crops and Nurseries subcommittee); Veterans and Military Affairs; Finance and Taxation General Fund (Health and Human Services subcommittee); Fiscal Responsibility and Accountability.

### **28th District**

**CLAY, GEORGE**

Banking and Insurance (Insurance subcommittee); Small Business and Rural Development; Tourism and Marketing; Business and Labor (Unemployment Compensation and Job Placement subcommittee); Veterans and Military Affairs; Finance and Taxation General Fund.

**5th District****DAVIDSON, CHARLES**

Vice Chairperson, Confirmations; Vice Chairperson, Local Legislation No. 1; Judiciary (Crime and Punishment and Prison Reform subcommittee); Small Business and Rural Development; Commerce, Transportation, and Utilities (Mining and Reclamation subcommittee), (Traffic Regulations and Railways subcommittee); Health and Human Resources; Finance and Taxation General Fund (Health and Human Services subcommittee), (Transportation, Agriculture, Natural Resources, and Economic Development subcommittee); Local Legislation No. 2.

**1st District****DENTON, BOBBY**

Chairperson, Constitution, Campaign Finance, Ethics, and Elections; Rules; Governmental Affairs; Industrial Development and Recruitment; Agriculture and Forestry (Crops and Nurseries subcommittee); Finance and Taxation Education; Fiscal Responsibility and Accountability.

**13th District****DIAL, GERALD****25th District****DIXON, LARRY**

Vice Chairperson, Governmental Affairs (State Administration and State Employees subcommittee); Constitution, Campaign Finance, Ethics, and Elections (Campaign Finance Accountability subcommittee), (Election Laws and Voter Participation subcommittee); Veterans and Military Affairs (Rights of Veterans subcommittee); Fiscal Responsibility and Accountability (Accountability in the Budget Process subcommittee), (Accountability for State Expenditures subcommittee), (Eliminating Proration subcommittee).

**20th District****ESCOTT-RUSSELL, SUNDRA**

Judiciary (Violent Acts Against the Elderly and Domestic Violence subcommittee); Conservation, Environment, and Natural Resources (Land, Air, and Water subcommittee), (Waterways and Coastal Waters subcommittee); Banking and Insurance (Banking subcommittee); Business and Labor (Unemployment Compensation and Job Placement subcommittee); Finance and Taxation General Fund; Fiscal Responsibility and Accountability; Local Legislation No. 2.

**33rd District****FIGURES, MICHAEL**

Economic Expansion and Trade; Rules; Judiciary; Education (Primary and Secondary Education subcommittee); Tourism and Marketing; Finance and Taxation General Fund; Local Legislation No. 3.

**7th District****FREEMAN, DEWAYNE**

Chairperson, Economic Expansion and Trade; Vice Chairperson, Health and Human Resources; Rules; Commerce, Transportation, and Utilities (Transportation and Utilities subcommittee), (Traffic Regulations and Railways subcommittee); Agriculture and Forestry, (Animal Agriculture subcommittee); Finance and Taxation General Fund; Finance and Taxation Education (K-12 Education subcommittee), (Postsecondary Education subcommittee); Local Legislation No. 1.

**12th District****GHEE, DOUG**

Chairperson, Education (Primary and Secondary Education subcommittee); Governmental Affairs; Constitution, Campaign Finance, Ethics, and Elections; Business and Labor (Reforming Alabama's Workers' Compensation Laws subcommittee); Veterans and Military Affairs; Finance and Taxation Education (Chairperson, K-12 Education subcommittee).

**4th District****HALE, DON**

Chairperson, Commerce, Transportation, and Utilities (Transportation and Utilities subcommittee), (Traffic Regulation and Railways subcommittee); Vice Chairperson, Economic Expansion and Trade.

**11th District****HILL, DELL**

Constitution, Campaign Finance, Ethics, and Elections (Ethics in Government subcommittee); Conservation, Environment, and Natural Resources (Fish and Game subcommittee); Agriculture and Forestry (Forestry Development and Preservation subcommittee); Finance and Taxation Education (K-12 Education subcommittee); Confirmations; Fiscal Responsibility and Accountability.

**26th District****LANGFORD, CHARLES**

Chairperson, Tourism and Marketing; Vice Chairperson, Business and La-

bor (Reforming Alabama's Workers' Compensation Laws subcommittee); Judiciary; Education (Postsecondary and Higher Education subcommittee); Veterans and Military Affairs (Retention of Alabama Military Bases subcommittee); Finance and Taxation Education (Chairperson, Postsecondary Education subcommittee); Local Legislation No. 1.

## **22nd District**

LINDSEY, PAT

Chairperson, Rules; Judiciary (Crime and Punishment and Prison Reform subcommittee), (Judicial and Civil Justice System subcommittee); Commerce, Transportation, and Utilities (Oil and Gas subcommittee); Health and Human Resources; Tourism and Marketing.

## **32nd District**

LIPSCOMB, ALBERT

Vice Chairperson, Agriculture and Forestry (Crops and Nurseries subcommittee); Judiciary (Violence in Schools subcommittee); Education (Primary and Secondary Education subcommittee); Local Legislation No. 3.

## **27th District**

LITTLE, TED

Vice Chairperson, Fiscal Responsibility and Accountability (Accountability for State Expenditures subcommittee); Judiciary (Crime and Punishment and Prison Reform subcommittee), (Law Enforcement and Victims Rights subcommittee); Constitution, Campaign Finance, Ethics, and Elections (Campaign Finance Accountability subcommittee); Finance and Taxation Education.

## **19th District**

McCLAIN, E. B.

Chairperson, Conservation, Environment, and Natural Resources (Land, Air, and Water subcommittee); Industrial Development and Recruitment; Commerce Transportation, and Utilities (Mining and Reclamation subcommittee); Health and Human Resources (Welfare Reform subcommittee); Tourism and Marketing; Veterans and Military Affairs; Finance and Taxation General Fund; Confirmations; Local Legislation No. 2.

## **30th District**

MITCHELL, WENDELL

Chairperson, Governmental Affairs; (Rights of Alabama's Disability Com-

munity subcommittee, under Health and Human Resources); Ex officio voting member of all standing committees except Local Legislation committees.

### **9th District**

#### **MITCHEM, HINTON**

Chairperson, Confirmations; Banking and Insurance (Banking subcommittee); Agriculture and Forestry, (Forestry Development and Preservation subcommittee); Finance and Taxation General Fund (Transportation, Agriculture, Natural Resources, and Economic Development subcommittee); Finance and Taxation Education.

### **34th District**

#### **MYERS, HAP**

Chairperson, Agriculture and Forestry (Animal Agriculture subcommittee); Vice Chairperson, Tourism and Marketing; Vice Chairperson, Local Legislation No. 3; Governmental Affairs (Chairperson, Counties and Municipal Governments subcommittee); Industrial Development and Recruitment; Business and Labor (Department of Labor and Department of Industrial Relations subcommittee).

### **21st District**

#### **POOLE, PHIL**

Constitution, Campaign Finance, Ethics, and Elections (Chairperson, Constitutional Revision subcommittee); Small Business and Rural Development (Volunteer Fire Fighters and Rescue Workers subcommittee); Industrial Development and Recruitment (Chairperson, Economic Recruitment and Research subcommittee); Finance and Taxation Education (Postsecondary Education subcommittee);

### **3rd District**

#### **ROBERTS, TOMMY ED**

Chairperson, Industrial Development and Recruitment; Banking and Insurance (Insurance subcommittee); Finance and Taxation Education.

### **23rd District**

#### **SANDERS, HANK**

Chairperson, Finance and Taxation Education; Rules, Judiciary (Violent Acts Against the Elderly and Domestic Violence subcommittee); Small Business and Rural Development.

**10th District****SMITH, ROY**

Vice Chairperson, Small Business and Rural Development; Industrial Development and Recruitment; Business and Labor (Department of Labor and Department of Industrial Relations subcommittee); Veterans and Military Affairs.

**18th District****SMITHERMAN, RODGER**

Judiciary (Violence in Schools subcommittee), (Judicial and Civil Justice System subcommittee); Governmental Affairs (State Administration and State Employees subcommittee), (Counties and Municipal Governments subcommittee); Constitution, Campaign Finance, Ethics, and Elections; Business and Labor (Unemployment Compensation and Job Placement subcommittee); Finance and Taxation Education (K-12 Education subcommittee); Local Legislation No. 2.

**24th District****STEELE, CHARLES**

Judiciary (Violence in Schools subcommittee), (Law Enforcement and Victims Rights subcommittee); Education (Postsecondary and Higher Education subcommittee); Constitution, Campaign Finance, Ethics, and Elections; Small Business and Rural Development (Rural Development subcommittee); Commerce, Transportation, and Utilities (Oil and Gas subcommittee); Health and Human Resources (Mental Health subcommittee); Finance and Taxation General Fund; Fiscal Responsibility and Accountability.

**16th District****WAGGONER, JABO**

Vice Chairperson, Education (Streamlining the Department of Education subcommittee); Vice Chairperson, Commerce, Transportation, and Utilities (Oil and Gas subcommittee); Banking and Insurance (Insurance subcommittee); Health and Human Resources (Welfare Reform subcommittee); Local Legislation No. 2.

**35th District****WINDOM, STEVE**

Chairperson, Banking and Insurance; Chairperson, Local Legislation No. 3; Rules; Judiciary (Violent Acts Against the Elderly and Domestic Vio-

lence subcommittee); Constitution, Campaign Finance, Ethics, and Elections; Conservation, Environment, and Natural Resources (Land, Air, and Water subcommittee), (Waterways and Coastal Waters subcommittee).



**HOUSE OF REPRESENTATIVES  
ALPHABETICAL ROSTER AND DISTRICT NUMBERS  
ORGANIZATIONAL SESSION 1995**

---

Gerald Allen, 62  
Locy Baker, 85  
George Bandy, 83  
Lucius Black, 71  
Marcel Black, 3  
Michael E. Box, 96  
Barbara B. Boyd, 32  
Ralph Burke, 24  
James E. Buskey, 99  
Jim Carns, 46  
Joe R. Carothers, Jr., 86  
Tommy Carter, 5  
James S. Clark, 84  
William Clark, 98  
Steve Clouse, 93  
Sam Collins, 16  
R. P. (Phil) Crigler, Jr., 105  
Johnny L. Curry, 15  
Mike Dean, 104  
Jeff Dolbare, 65  
Tom Drake, 11  
Bill J. Dukes, 8  
Steve Flowers, 89  
Joe M. Ford, 28  
Bill Fuller, 38  
Mark L. Gaines, 47  
Blaine Galliher, 30  
Victor Gaston, 100  
H. Mac Gipson, Jr., 88  
Betty Carol Graham, 81  
Ken Guin, 14  
Albert Hall, 22  
Laura Hall, 19  
James H. Hamilton, 2  
Seth Hammett, 92  
James C. Haney, 10  
Howard Hawk, 25  
John Hawkins, 48  
Andrew Hayden, 72  
Mike Hill, 41

John R. Hilliard, 60  
Randy Hinshaw, 21  
Thomas E. Hogan, 13  
Alvin Holmes, 78  
Perry O. Hooper, Jr., 73  
Tommy L. Houston, 57  
Thomas E. Jackson, 68  
Earnest Johnson, 58  
Ronald G. Johnson, 33  
Lee Jorgensen, 6  
Yvonne Kennedy, 97  
Al Knight, 40  
John F. Knight, Jr., 77  
Richard J. Laird, 37  
Allen Layson, 61  
Sam Letson, 7  
Richard J. Lindsey, 39  
Edward A. Maull, 67  
Lawrence McAdory, 56  
Thad McClammy, 76  
W. F. (Frank) McDaniel, 26  
Bob McKee, 74  
Stephen A. McMillan, 95  
Bryant Melton, 70  
Michael J. Millican, 17  
Warren A. Minnifield, 55  
Joseph Mitchell, 103  
Garreth Moore, 91  
Neal Morrison, 12  
Johnny Mack Morrow, 18  
Albert G. Morton, 45  
Jim Murphree, 27  
Charles O. Newton, 90  
Demetrius C. Newton, 53  
John G. (Jack) Page, 29  
Nelson Papucci, 4  
Paul Parker, 9  
Tim Parker, 63  
Arthur Payne, 44  
Walter E. Penry, Jr., 94

George Perdue, 54  
Tony Petelos, 51  
Chris Pringle, 101  
Thomas Reed, 82  
John Robinson, 23  
Mike Rogers, 36  
John W. Rogers, Jr., 52  
Howard Sanderford, 20  
Allen Sanderson, 43  
Riley Seibenhener, 87  
Larry P. Sims, 35  
Curtis Smith, 42  
Lewis G. Spratt, 59

Nelson R. Starkey, Jr., 1  
Dave Thomas, 49  
James L. Thomas, 69  
Jim Townsend, 50  
J. E. Turner, 102  
Pete Turnham, 79  
Lesley Vance, 80  
Jack B. Venable, 31  
James E. Warren, 64  
Frank P. (Skippy) White, 66  
Gerald Willis, 34  
Greg Wren, 75

---

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA  
ORGANIZATIONAL SESSION 1995**

---

**OFFICERS**

JAMES S. CLARK, *Speaker*, Eufaula

SETH HAMMETT, *Speaker Pro Tempore*, Andalusia

WILLIAM G. (GREG) PAPPAS, *Clerk*, Montgomery

DON LADNER, *Administrative Assistant*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

Dist.	Nos.	Counties & Names	Addresses
1		LAUDERDALE	
		Nelson R. Starkey, Jr. ....	158 Cedar Crest Drive Florence 35630
2		LAUDERDALE	
		James H. Hamilton .....	Route 3, Box 119 Rogersville 35652
3		COLBERT	
		Marcel Black .....	P.O. Box 491 Tuscumbia 35674
4		LIMESTONE, MADISON, MORGAN	
		Nelson Papucci .....	2019 Flagstone Dr., Apt. 1409 Madison 35758
5		LIMESTONE	
		Tommy Carter .....	18216 Upper Fort Hampton Road Elkmont 35620
6		LIMESTONE, MADISON	
		Lee Jorgensen .....	124 Stonemeadow Lane Madison 35758

- 7 LAWRENCE, WINSTON  
Sam Letson ..... 3980 Highway 36  
Moulton 35650
- 8 MORGAN  
Bill J. Dukes ..... 514 Line Street, N.E.  
Decatur 35601
- 9 MORGAN  
Paul Parker ..... 606 Douglas Drive, N.W.  
Hartselle 35640
- 10 MADISON  
James C. Haney ..... 809 Tannahill Drive  
Huntsville 35802
- 11 CULLMAN, MORGAN  
Tom Drake ..... P.O. Box 1165  
Cullman 35055
- 12 CULLMAN  
Neal Morrison ..... P.O. Box 1408  
Cullman 35056
- 13 WALKER  
Thomas E. Hogan ..... Route 10, Box 324-B  
Jasper 35501
- 14 TUSCALOOSA, WALKER, WINSTON  
Ken Guin ..... P.O. Box 470  
Carbon Hill 35549
- 15 JEFFERSON, SHELBY  
Johnny L. Curry ..... 3264 Fieldale Drive  
Hueytown 35023
- 16 FAYETTE, LAMAR, PICKENS  
Sam Collins ..... 1019 13th Street, N.W.  
Fayette 35555
- 17 MARION, WINSTON  
Michael J. Millican ..... Route 1, Box 71  
Hamilton 35570
- 18 COLBERT, FRANKLIN  
Johnny Mack Morrow ..... 709 Carter Street, N.E.  
Red Bay 35582

- 19 MADISON  
Laura Hall ..... P.O. Box 3274  
Huntsville 35810
- 20 MADISON  
Howard Sanderford ..... 908 Tannahill Drive, S.E.  
Huntsville 35802-1971
- 21 MADISON  
Randy Hinshaw ..... 218 Constitution Drive  
Meridianville 35759
- 22 JACKSON, MADISON  
Albert Hall ..... Route 1, P.O. Box 275  
Gurley 35748
- 23 JACKSON  
John Robinson ..... 3479 County Road 33  
Scottsboro 35768
- 24 DEKALB  
Ralph Burke ..... P.O. Box 1564  
Rainsville 35986
- 25 MARSHALL  
Howard Hawk ..... 221 Cullman Road  
Arab 35016
- 26 DEKALB, MARSHALL  
W. F. (Frank) McDaniel ..... P. O. Box 577  
Albertville 35950
- 27 BLOUNT  
Jim Murphree ..... P.O. Box 1116  
Oneonta 35121
- 28 ETOWAH  
Joe M. Ford ..... Gadsden State Community College  
P.O. Box 227, Gadsden 35902-0227
- 29 ETOWAH  
John G. (Jack) Page ..... 314 Haralson Avenue  
Gadsden 35901
- 30 ETOWAH, ST. CLAIR  
Blaine Galliher ..... 105 Fambrough Drive  
Gadsden 35901

- 31 COOSA, ELMORE  
Jack B. Venable ..... P.O. Box 736  
Tallassee 36078
- 32 CALHOUN, TALLADEGA  
Barbara B. Boyd ..... 2222 McDaniel Avenue  
Anniston 36201
- 33 TALLADEGA  
Ronald G. Johnson ..... 3770 Sylacauga-Fayette Highway  
Sylacauga 35150
- 34 CALHOUN  
Gerald Willis ..... 15695 Alabama Highway 9  
Piedmont 36272
- 35 CALHOUN, TALLADEGA  
Larry P. Sims ..... 540 Mahaffey Road  
Eastaboga 36260
- 36 CALHOUN  
Mike Rogers ..... 51 Pawnee Drive  
Anniston 36206
- 37 CHAMBERS, CLAY, RANDOLPH  
Richard J. Laird ..... 1507 Bonner Drive  
Roanoke 36274
- 38 CHAMBERS, LEE  
Bill Fuller ..... P.O. Box 317  
Lafayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB  
Richard J. Lindsey ..... Route 2, Box 394  
Centre 35960
- 40 BIBB, SHELBY  
Al Knight ..... 2969-M, Alpine Square Montgomery Highway  
Pelham 35124
- 41 SHELBY  
Mike Hill ..... 114 Arlington Street  
Columbiana 35051
- 42 CHILTON, SHELBY  
Curtis Smith ..... 16131 Highway 22  
Clanton 35045

- 43 JEFFERSON  
Allen Sanderson ..... 126 Greenbriar Lane  
Birmingham 35213
- 44 JEFFERSON  
Arthur Payne ..... 2825 2nd Street N.W.  
Birmingham 35215
- 45 JEFFERSON  
Albert G. Morton ..... 833 Zellmark Drive  
Birmingham 35235
- 46 JEFFERSON, SHELBY  
Jim Carns ..... 3 Office Park Circle, Suite 120  
Birmingham 35223
- 47 JEFFERSON, SHELBY  
Mark L. Gaines ..... 201 Morris Boulevard  
Homewood 35209
- 48 JEFFERSON  
John Hawkins ..... 1841 Montclair Drive  
Birmingham 35216
- 49 ST. CLAIR  
Dave Thomas ..... 49 Forman Street  
Springfield 35146
- 50 JEFFERSON  
Jim Townsend ..... 5544 Lazy Acres Trail  
Pinson 35126
- 51 JEFFERSON  
Tony Petelos ..... P.O. Box 40  
Pleasant Grove 35127
- 52 JEFFERSON  
John W. Rogers, Jr. .... 1424 18th Street, S.W.  
Birmingham 35211
- 53 JEFFERSON  
Demetrius C. Newton ..... 512 10th Terrace, W.  
Birmingham 35204
- 54 JEFFERSON  
George Perdue ..... P.O. Box 2473  
Birmingham 35201

- 55 JEFFERSON  
Warren A. Minnifield ..... 703 Miles Circle  
Fairfield 35064
- 56 JEFFERSON  
Lawrence McAdory ..... 1000 Barclay Drive  
Bessemer 35023
- 57 JEFFERSON  
Tommie L. Houston ..... 3709 Howard Avenue, S.W.  
Birmingham 35221
- 58 JEFFERSON  
Earnest Johnson ..... 8531 Zion City Road N.  
Birmingham 35206
- 59 JEFFERSON  
Lewis G. Spratt ..... 3809 Fourth Street, W.  
Birmingham 35207
- 60 JEFFERSON  
John R. Hilliard ..... P.O. Box 11385  
Birmingham 35202
- 61 PICKENS, TUSCALOOSA  
Allen Layson ..... P.O. Box 910  
Reform 35481
- 62 HALE, TUSCALOOSA  
Gerald Allen ..... P.O. Box 71001  
Tuscaloosa 35407
- 63 TUSCALOOSA  
Tim Parker ..... P.O. Box 020908  
Tuscaloosa 35402-0908
- 64 BALDWIN, CONECUH, MONROE  
James E. Warren ..... P.O. Box 207  
Castleberry 36432
- 65 CHOCTAW, CLARKE, WASHINGTON  
Jeff Dolbare ..... Star Route, Box 17  
Bigbee 36510
- 66 BALDWIN, ESCAMBIA  
Frank P. (Skippy) White ..... Route 1, Box 427-Pollard  
Flomaton 36441



- 67 DALLAS  
Edward A. Maull ..... 2002 4th Avenue  
Selma 36703
- 68 CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE  
Thomas E. Jackson ..... 29 Duncan Drive  
Thomasville 36784
- 69 DALLAS, LOWNDES, WILCOX  
James L. Thomas ..... 2713 Highway 14, E.  
Selma 36701
- 70 TUSCALOOSA  
Bryant Melton ..... 5003 4th Avenue  
Tuscaloosa 35405
- 71 GREENE, MARENGO, SUMTER  
Lucius Black ..... P.O. Box 284  
York 36925
- 72 HALE, MARENGO, PERRY, TUSCALOOSA  
Andrew Hayden ..... P.O. Box 514  
Uniontown 36786-1014
- 73 MONTGOMERY  
Perry O. Hooper, Jr. .... 3472 Bankhead Avenue  
Montgomery 36111
- 74 MONTGOMERY  
Bob McKee ..... P.O. Box 424  
Montgomery 36101
- 75 ELMORE, MONTGOMERY  
Greg Wren ..... 7700 Wynlakes Boulevard  
Montgomery 36117
- 76 MONTGOMERY  
Thad McClammy ..... 3035 Rosa L. Parks Avenue  
Montgomery 36105
- 77 MONTGOMERY  
John F. Knight, Jr. .... P.O. Box 6148  
Montgomery 36106
- 78 MONTGOMERY  
Alvin Holmes ..... P.O. Box 6064  
Montgomery 36106

- 79 LEE  
Pete Turnham ..... P.O. Box 3490  
Auburn, 36831-3490
- 80 LEE, RUSSELL  
Lesley Vance ..... P.O. Box 1429  
Phenix City 36868
- 81 TALLAPOOSA  
Betty Carol Graham ..... Route 3, Box 222  
Alexander City 35010
- 82 BULLOCK, LEE, MACON  
Thomas Reed ..... P.O. Box 1324  
Tuskegee 36087
- 83 LEE, RUSSELL  
George Bandy ..... 1001-A Sanford Court  
Opelika 36801
- 84 BARBOUR, HENRY  
James S. Clark ..... P.O. Box 71  
Eufaula 36072
- 85 DALE, HENRY, HOUSTON  
Locy Baker ..... 115 Bryant Street  
Abbeville 36310
- 86 HOUSTON  
Joe R. Carothers, Jr. .... 2916 Taylor Road  
Dothan 36301
- 87 GENEVA, HOUSTON  
Riley Seibenhener ..... Route 2, Box 166A  
Hartford 36344
- 88 AUTAUGA, ELMORE  
H. Mac Gipson, Jr. .... 1119 Pates Mill Lane  
Prattville 36067
- 89 DALE, PIKE  
Steve Flowers ..... P.O. Box 973  
Troy 36081
- 90 BUTLER, CRENSHAW, LOWNDES  
Charles O. Newton ..... 760 South Conecuh Street  
Greenville 36037

- 91 COFFEE  
Garreth Moore ..... 504 Candlewood Drive  
Enterprise 36330
- 92 COVINGTON  
Seth Hammett ..... P.O. Box 1776  
Andalusia 36420
- 93 DALE, HOUSTON  
Steve Clouse ..... P.O. Box 818  
Ozark 36361
- 94 BALDWIN  
Walter E. Penry, Jr. .... 12040 County Road 54  
Daphne 36526
- 95 BALDWIN  
Stephen A. McMillan ..... P.O. Box 337  
Bay Minette 36507
- 96 MOBILE  
Michael E. Box ..... 104 So. Lawrence Street  
Mobile 36602
- 97 MOBILE  
Yvonne Kennedy ..... 1205 Glennon Avenue  
Mobile 36603
- 98 MOBILE  
William Clark ..... 711 South Atmore Avenue  
Prichard 36612
- 99 MOBILE  
James E. Buskey ..... 2207 Barretts Lane  
Mobile 36617
- 100 MOBILE  
Victor Gaston ..... 864 Parkwood Drive, W.  
Mobile 36608
- 101 MOBILE  
Chris Pringle ..... 111 McHugh Lane  
Mobile 36608
- 102 MOBILE  
J. E. Turner ..... P.O. Box 787  
Citronelle 36522

- 103 MOBILE  
Joseph Mitchell ..... 465 Dexter Avenue  
Mobile 36604
  
- 104 MOBILE  
Mike Dean ..... 3705 Scenic Drive  
Mobile 36605
  
- 105 MOBILE  
R. P. (Phil) Crigler, Jr. .... 8040 Shannon Drive  
Irvington 36544

**STANDING COMMITTEES  
OF THE ALABAMA  
HOUSE OF REPRESENTATIVES  
1995**

---

**AGRICULTURE, FORESTRY AND NATURAL RESOURCES**

Richard J. Lindsey, Chairperson; Curtis Smith, Vice Chairperson;  
Members: Locy Baker, R. P. (Phil) Crigler, Jr., James H. Hamilton, Andrew Hayden, Thomas E. Jackson, Sam Letson, Edward A. Maull, Michael J. Millican, John Robinson, Howard Sanderford, Riley Seibenhener, Larry P. Sims, James E. Warren.

**BANKING**

Mike Hill, Chairperson; Charles O. Newton, Vice Chairperson;  
Members: Joe M. Ford, H. Mac Gipson, Jr., Albert Hall, Al Knight, Lawrence McAdory, Thad McClammy, Warren A. Minnifield, Johnny Mack Morrow, John G. (Jack) Page, Tony Petelos, John Robinson, Howard Sanderford, James L. Thomas.

**BUSINESS AND LABOR**

Mark L. Gaines, Chairperson; Yvonne Kennedy, Vice Chairperson;  
Members: Jim Carns, Mike Dean, Mike Hill, Richard J. Laird, Allen Layson, Edward A. Maull, W. F. (Frank) McDaniel, Bryant Melton, Joseph Mitchell, Neal Morrison, Jim Murphree, Riley Seibenhener, Gerald Willis.

**COMMERCE, TRANSPORTATION AND UTILITIES**

Al Knight, Chairperson; W. F. (Frank) McDaniel, Vice Chairperson;  
Members: Lucius Black, Ralph Burke, Joe M. Ford, Victor Gaston, Ken Guin, Seth Hammett, John R. Hilliard, Perry O. Hooper, Jr., Richard J. Lindsey, Warren A. Minnifield, Garreth Moore, John W. Rogers, Jr., Allen Sanderson.

**CONSTITUTION AND ELECTIONS**

Jack B. Venable, Chairperson; Stephen A. McMillan, Vice Chairperson;  
Members: Locy Baker, Marcel Black, Michael E. Box, Barbara B. Boyd, Johnny L. Curry, Charles O. Newton, George Perdue, Chris Pringle, Mike Rogers, Curtis Smith, Lewis G. Spratt, Dave Thomas, Gerald Willis.

**EDUCATION**

Paul Parker, Chairperson; John Hawkins, Vice Chairperson;

Members: George Bandy, Barbara B. Boyd, R. P. (Phil) Crigler, Jr., Jeff Dolbare, Betty Carol Graham, Howard Hawk, Lawrence McAdory, Stephen A. McMillan, Joseph Mitchell, Albert G. Morton, Tim Parker, Curtis Smith, Dave Thomas.

### **HEALTH**

Steve Flowers, Chairperson; Allen Sanderson, Vice Chairperson; Members: Victor Gaston, Betty Carol Graham, Laura Hall, Randy Hinshaw, Thomas E. Jackson, Ronald G. Johnson, Lawrence McAdory, Thad McClammy, Michael J. Millican, Chris Pringle, Larry P. Sims, Lesley Vance, Greg Wren.

### **HIGHWAY SAFETY**

Lewis G. Spratt, Chairperson; Ronald G. Johnson, Vice Chairperson; Members: R. P. (Phil) Crigler, Jr., Tom Drake, Blaine Galliher, Alvin Holmes, Thomas E. Jackson, Lee Jorgensen, Al Knight, Richard J. Lindsey, Charles O. Newton, Paul Parker, Arthur Payne, Walter E. Penry, Jr., George Perdue.

### **INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH**

Jim Carns, Chairperson; Laura Hall, Vice Chairperson; Members: Gerald Allen, Ralph Burke, Bill J. Dukes, Blaine Galliher, James H. Hamilton, Andrew Hayden, Lee Jorgensen, Yvonne Kennedy, Bryant Melton, Garreth Moore, Mike Rogers, Howard Sanderford, Nelson R. Starkey, Jr.

### **INSURANCE**

Richard J. Laird, Chairperson; James E. Buskey, Vice Chairperson; Members: Steve Clouse, Steve Flowers, John R. Hilliard, Lee Jorgensen, Allen Layson, Bob McKee, Warren A. Minnifield, Jim Murphree, John Robinson, Lewis G. Spratt, Jim Townsend, Gerald Willis, Greg Wren.

### **JUDICIARY**

Demetrius C. Newton, Chairperson; Tony Petelos, Vice Chairperson; Members: Lucius Black, Marcel Black, Michael E. Box, Barbara B. Boyd, Steve Clouse, Mark L. Gaines, Betty Carol Graham, Ken Guin, Laura Hall, Howard Hawk, Neal Morrison, Nelson Papucci, Mike Rogers.

### **LOCAL GOVERNMENT**

Bill Dukes, Chairperson; Sam Collins, Vice Chairperson; Mem-

bers: George Bandy, Joe R. Carothers, Jr., Steve Clouse, James H. Hamilton, John Hawkins, Andrew Hayden, Mike Hill, Tommy L. Houston, John F. Knight, Jr., Allen Layson, Sam Letson, Garreth Moore, Arthur Payne.

### **LOCAL LEGISLATION NO. 1**

Frank P. (Skippy) White, Chairperson; Sam Letson, Vice Chairperson; Members: Locy Baker, Steve Clouse, Sam Collins, Tom Drake, Thomas E. Jackson, Edward A. Maull, Garreth Moore, Johnny Mack Morrow, Walter E. Penry, Jr., Mike Rogers, Riley Seibenhener, Nelson R. Starkey, Jr., James L. Thomas.

### **LOCAL LEGISLATION NO. 2 JEFFERSON COUNTY**

Jim Carns, Johnny L. Curry, Mark L. Gaines, John Hawkins, John R. Hilliard, Tommy L. Houston, Earnest Johnson, Lawrence McAdory, Warren A. Minnifield, Albert G. Morton, Demetrius C. Newton, Arthur Payne, George Perdue, Tony Petelos, John W. Rogers, Jr., Allen Sanderson, Lewis G. Spratt, Jim Townsend.

### **LOCAL LEGISLATION NO. 3 MOBILE COUNTY**

Michael E. Box, James E. Buskey, William Clark, R. P. (Phil) Crigler, Jr., Mike Dean, Victor Gaston, Yvonne Kennedy, Joseph Mitchell, Chris Pringle, J. E. Turner.

### **LOCAL LEGISLATION NO. 4 MADISON COUNTY**

Albert Hall, Chairperson; Members: Laura Hall, James C. Haney, Randy Hinshaw, Lee Jorgensen, Nelson Papucci, Howard Sanderford.

### **LOCAL LEGISLATION NO. 5 MONTGOMERY COUNTY**

Alvin Holmes, Perry O. Hooper, Jr., John F. Knight, Jr., Thad McClammy, Bob McKee, Greg Wren.

### **LOCAL LEGISLATION NO. 6 TUSCALOOSA COUNTY**

Gerald Allen, Ken Guin, Andrew Hayden, Allen Layson, Bryant Melton, Tim Parker.

### **LOCAL LEGISLATION NO. 7 SHELBY COUNTY**

Mike Hill, Chairperson; Members: Jim Carns, Johnny L. Curry, Mark L. Gaines, Al Knight, Curtis Smith.

### **LOCAL LEGISLATION NO. 8 LEE COUNTY**

Pete Turnham, Chairperson; Members: George Bandy, Bill Fuller, Thomas Reed, Lesley Vance.

### **MILITARY AFFAIRS**

Bryant Melton, Chairperson; Leslie Vance, Vice Chairperson; Members: Steve Clouse, Mike Dean, Bill J. Dukes, Howard Hawk, Randy Hinshaw, Alvin Holmes, Thad McClammy, Demetrius C. Newton, Nelson Papucci, Paul Parker, Chris Pringle, Allen Sanderford, Riley Seibenhener.

### **NAVIGATION AND WATER WAYS**

Michael E. Box, Chairperson; Lucius Black, Vice Chairperson; Members: Joe R. Carothers, Jr., R. P. (Phil) Crigler, Jr., Albert Hall, James C. Haney, Thomas E. Jackson, Bob McKee, Demetrius C. Newton, John G. (Jack) Page, Tim Parker, Arthur Payne, Thomas Reed, Jim Townsend, James E. Warren.

### **OIL AND GAS**

Victor Gaston, Chairperson; William Clark, Vice Chairperson; Members: Gerald Allen, James E. Buskey, Sam Collins, Mike Dean, Jeff Dolbare, Blaine Galliher, Ken Guin, Earnest Johnson, Joseph Mitchell, Walter E. Penry, Jr., Tony Petelos, J. E. Turner, Frank P. (Skippy) White.

### **PUBLIC WELFARE**

Thomas Reed, Chairperson; Michael J. Millican, Vice Chairperson; Members: Gerald Allen, George Bandy, James E. Buskey, Jeff Dolbare, Tom Drake, Mark L. Gaines, Thomas E. Hogan, Alvin Holmes, Lee Jorgensen, Neal Morrison, Larry P. Sims, Dave Thomas, Jim Townsend.

### **RULES**

Tommy Carter, Chairperson; Joe M. Ford, Vice Chairperson; Members: James E. Buskey, Jim Carns, William Clark, Albert Hall, John



R. Hilliard, Perry O. Hooper, Jr., Ronald G. Johnson, Bob McKee, Thomas Reed, Allen Sanderson, J. E. Turner, James E. Warren, Frank P. (Skippy) White.

### **SMALL BUSINESS**

John F. Knight, Jr., Chairperson; Gerald Willis, Vice Chairperson; Members: Johnny L. Curry, H. Mac Gipson, Jr., James C. Haney, Thomas E. Hogan, Tommy L. Houston, Earnest Johnson, W. F. (Frank) McDaniel, Bob McKee, Albert G. Morton, Jim Murphree, Arthur Payne, George Perdue, Lesley Vance.

### **STATE ADMINISTRATION**

Perry O. Hooper, Jr., Chairperson; W. F. (Frank) McDaniel, Vice Chairperson; Members: Locy Baker, Sam Collins, Mike Dean, H. Mac Gipson, Jr., Thomas E. Hogan, Tommy L. Houston, Earnest Johnson, Richard J. Laird, Edward A. Maull, Stephen A. McMillan, John G. (Jack) Page, Jim Townsend, Greg Wren.

### **TOURISM, ENTERTAINMENT AND SPORTS**

Joe M. Ford, Chairperson; J. E. Turner, Vice Chairperson; Members: Locy Baker, Marcel Black, William Clark, Mike Dean, Randy Hinshaw, Sam Letson, Warren A. Minnifield, Johnny Mack Morrow, Nelson Papucci, Thomas Reed, John W. Rogers, Jr., Lewis G. Spratt, James L. Thomas.

### **WAYS AND MEANS**

Bill Fuller, Chairperson; Pete Turnham, Vice Chairperson; Members: Ralph Burke, Joe R. Carothers, Jr., Johnny L. Curry, James C. Haney, John Hawkins, Yvonne Kennedy, John F. Knight, Jr., Albert G. Morton, Tim Parker, Walter E. Penry, Jr., John W. Rogers, Jr., Nelson R. Starkey, Jr., James L. Thomas.



**LEGISLATIVE DAYS  
ORGANIZATIONAL SESSION 1995**

<i>Legislative Days - Calendar Days</i>	<i>Page</i>
FIRST DAY - Tuesday, January 10, 1995 .....	3-42
SECOND DAY - Wednesday, January 11, 1995 .....	43-62
(The Senate was not in session on the Third, Fourth, Fifth, Sixth, and Seventh Days.)	
EIGHTH DAY - Tuesday, January 17, 1995 .....	63-88

## **RESOLUTION INDEX ORGANIZATIONAL SESSION 1995**

### **RESOLUTION, CONGRATULATORY**

Ashland high school panthers football team, commended on winning the Alabama 1994 state class 2A championship —  
SJR 6, pages 49, 66, 86, 87, Act no. 95-14

Butler, miss Robin, of Madison, commended for outstanding achievement upon high school graduation —  
SJR 2, pages 41, 65, 85, 87, Act no. 95-10

Campbell, James M., commended for outstanding service as house speaker pro tempore —  
HJR 3, pages 37, 68, Act no. 95-6

Ellis, Frank Corley, jr., of Columbiana, commended for invaluable service to legislature and the state of Alabama —  
HJR 24, pages 64, 86, Act no. 95-16

Forrester, mrs. Nancy Knighten, commended for exemplary service to the Alabama legislature —  
SJR 5, pages 48, 65, 86, 87, Act no. 95-13  
HJR 17, pages 45, 68, Act no. 95-4

Greenville high school tigers football team, commended on winning the Alabama 1994 state 5A football championship —  
HJR 16, pages 44, 67, Act no. 95-3

Jensen, coach Fred, of former Autauga county high school, commended on his outstanding coaching accomplishments —  
HJR 26, pages 64, 86, Act no. 95-17

Mendel, mrs. Linda, of Mountain Brook, commended for her many years of service to the Mountain Brook school system and Alabama's youth —  
HJR 19, pages 65, 86, Act no. 95-15

Samford, mr. Thomas D. III, commended for distinguished service as Auburn university's primary attorney —  
SJR 4, pages 47, 66, 85, 87, Act no. 95-12

Turnham, representative Pete, of Auburn, commended for receiving

honorary degree from Auburn university —  
SJR 3, pages 46, 65, 85, 87, Act no. 95-11

University of north Alabama lions football team, commended on winning a second consecutive NCAA division II football national championship —  
HJR 11, pages 44, 67, Act no. 95-2

## **RESOLUTION, DESIGNATION**

Goshen memorial highway, on highway 9, Cherokee county, named —  
SJR 7, page 69

## **RESOLUTION, LEGISLATIVE**

Acts and journals of organizational session bound with regular session —  
HJR 4, pages 39, 68, Act no. 95-7

Committee appointed to notify governor that legislature is in session —  
HJR 2, pages 41, 68, Act no. 95-5

Joint committee established to assign legislative parking places —  
HJR 6, pages 40, 45, 67, Act no. 95-1

Legislature, joint rules adopted for 1995 —  
HJR 9, pages 50, 63, 69, 87, Act no. 95-18

Legislature, joint session to witness opening and publishing of election returns of executive officers —  
HJR 8, pages 38, 68, Act no. 95-9

Legislature, meeting days set —  
HJR 7, pages 39, 68, Act no. 95-8

Senate rules, adoption of —  
SR 1, pages 7, 32

**SENATE MISCELLANEOUS INDEX  
ORGANIZATIONAL SESSION 1995****ASSISTANT SECRETARY**

Election of —

Page 6

Oath administered to —

Page 7

**CERTIFICATION OF ELECTION**

Filed by secretary of state —

Page 4

**COMMISSION ON HIGHER EDUCATION, ALABAMA**

Appointment to —

Page 66

**COMMITTEE APPOINTMENTS ANNOUNCED**

Standing committees —

Page 77

**CONFERENCE COMMITTEE REPORT**

HJR 9 —

Page 70

**ELECTIONS**

Of assistant secretary —

Page 6

Of president pro-tempore —

Page 5

**GOVERNOR'S APPOINTMENT**

Commission on higher education, Alabama —

Page 66

**HOUSE OF REPRESENTATIVES**

Message from, ready for transaction of business —

Page 32

## JOINT SESSION

To witness the opening and publishing of the returns of the elections —  
Page 61

## LEGISLATURE

Joint session of, to witness the opening and publishing of the returns  
of the elections —  
Page 61

## McKELL, MS. GINA

Appointed to commission of higher education, Alabama —  
Page 67

## NOTICE IN WRITING

Senators Little and Dial, re: senate rule 48(21)(D) —  
Page 49

## OATHS OF OFFICE

Administered to assistant secretary —  
Page 7  
Administered to president pro-tempore —  
Page 6  
Administered to senators-elect —  
Page 5

## PRESIDENT PRO-TEMPORE

Election of —  
Page 5  
Oath administered to —  
Page 6

## RULE AMENDED

Senate rule 48(21)(D) —  
Page 49

## RULES

Joint, adopted (HJR 9) —  
Page 50, 63, 69, 70

Senate, adopted (SR 1) —  
Pages 7, 29, 32

## SECRETARY OF STATE

Certificates of election filed by —  
Page 4

## SENATORS-ELECT

Oath administered to —  
Page 5

## STANDING COMMITTEE ASSIGNMENTS

Appointment of —  
Page 77



**SENATE SPONSOR INDEX  
ORGANIZATIONAL SESSION 1995**

Dial:	Resolutions: 3, <u>6</u> , <u>7</u>
Dixon:	Resolution: 5
Freeman:	Resolution: <u>2</u>
Little:	Resolutions: 3, <u>4</u>
Mitchell:	Resolution: <u>1</u>
Senate:	Resolutions: 3, 5

**NUMERICAL AND SHORT TITLE INDEX  
SENATE RESOLUTIONS  
ORGANIZATIONAL SESSION 1995**

- SR 1** - Senate Rules, pages 7, 32
- SJR 2** - Butler, Robin, commended, pages 41, 65, 85, 87, Act no. 95-10
- SJR 3** - Turnham, Pete, commended, pages 46, 65, 85, 87, Act no. 95-11
- SJR 4** - Samford, Thomas D. III, commended, pages 47, 66, 85, 87, Act no. 95-12
- SJR 5** - Forrester, Nancy Knighten, commended, pages 48, 65, 86, 87, Act no. 95-13
- SJR 6** - Ashland High School Football Team, commended, pages 49, 66, 86, 87, Act no. 95-14
- SJR 7** - Goshen Memorial Highway, named, page 69

**NUMERICAL AND SHORT TITLE INDEX  
HOUSE RESOLUTIONS  
ORGANIZATIONAL SESSION 1995**

- HJR 2** - Committee appointed to notify Governor of session, pages 41, 68, Act no. 95-5
- HJR 3** - Campbell, James M., commended, pages 37, 68, Act no. 95-6
- HJR 4** - Binding of Acts and Journals, pages 39, 68, Act no. 95-7
- HJR 6** - Parking, legislative committee created, pages 40, 45, 67, Act no. 95-1
- HJR 7** - Meeting Days, pages 39, 68, Act no. 95-8
- HJR 8** - Legislature, joint session, pages 38, 68, Act no. 95-9
- HJR 9** - Legislature, joint rules, pages 50, 63, 69, 87, Act no. 95-18
- HJR 11** - University of North Alabama Football Team, commended, pages 44, 67, Act no. 95-2
- HJR 16** - Greenville High School Football Team, commended, pages 44, 67, Act no. 95-3
- HJR 17** - Forrester, Nancy Knighten, commended, pages 45, 68, Act no. 95-4
- HJR 19** - Mendel, Linda, commended, pages 65, 86, Act no. 95-15
- HJR 24** - Ellis, Frank Corley, Jr., commended, pages 64, 86, Act no. 95-16
- HJR 26** - Jensen, Fred, commended, pages 64, 86, Act no. 95-17

**ACT INDEX**  
**ORGANIZATIONAL SESSION 1995**

Act No. 95-1	— HJR	6
Act No. 95-2	— HJR	11
Act No. 95-3	— HJR	16
Act No. 95-4	— HJR	17
Act No. 95-5	— HJR	2
Act No. 95-6	— HJR	3
Act No. 95-7	— HJR	4
Act No. 95-8	— HJR	7
Act No. 95-9	— HJR	8
Act No. 95-10	— SJR	2
Act No. 95-11	— SJR	3
Act No. 95-12	— SJR	4
Act No. 95-13	— SJR	5
Act No. 95-14	— SJR	6
Act No. 95-15	— HJR	19
Act No. 95-16	— HJR	24
Act No. 95-17	— HJR	26
Act No. 95-18	— HJR	9

**NUMERICAL ACT INDEX  
ORGANIZATIONAL SESSION 1995**

HJR	2	—	Act No. 95-5
HJR	3	—	Act No. 95-6
HJR	4	—	Act No. 95-7
HJR	6	—	Act No. 95-1
HJR	7	—	Act No. 95-8
HJR	8	—	Act No. 95-9
HJR	9	—	Act No. 95-18
HJR	11	—	Act No. 95-2
HJR	16	—	Act No. 95-3
HJR	17	—	Act No. 95-4
HJR	19	—	Act No. 95-15
HJR	24	—	Act No. 95-16
HJR	26	—	Act No. 95-17
SJR	2	—	Act No. 95-10
SJR	3	—	Act No. 95-11
SJR	4	—	Act No. 95-12
SJR	5	—	Act No. 95-13
SJR	6	—	Act No. 95-14



**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1995**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, APRIL 18, 1995**



**VOL. 1**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

## CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. Listing of legislative days, with calendar dates and pages on which each day begins;
3. Topic index of general bills listed alphabetically by subject matter;
4. Topic index of local bills listed alphabetically by counties;
5. Topic index of resolutions;
6. Miscellaneous index, including all items not categorized as bills or resolutions;
8. Sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. Senate bill numerical index, with short titles;
10. House bill numerical index, with short titles;
11. Senate joint resolution, Senate resolution numerical index, with short titles;
12. House joint resolution numerical index, with short titles;
13. Act Index.



**JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF ALABAMA  
REGULAR SESSION  
OF 1995**

---

**FIRST LEGISLATIVE DAY**

**TUESDAY, APRIL 18, 1995**

This being the third Tuesday in April, A.D., 1995, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor Siegelman, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by Dr. G. W. C. Richardson, Pastor, Hutchinson Missionary Baptist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kells Carroll, Elba, Alabama.

**ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

**COMMUNICATION FROM SENATOR BUTLER**

March 1, 1995

The Honorable Don Siegelman  
Lieutenant Governor of Alabama  
The Alabama State House  
11 South Union Street  
Montgomery, Alabama 36130-4600

Dear Governor:

Effective immediately, I am resigning from the Senate Finance and Taxation General Fund Committee.

Sincerely,

TOM BUTLER.

The foregoing Communication was read and ordered spread upon the Journal.

**COMMITTEE APPOINTMENTS ANNOUNCED**

The President and Presiding Officer of the Senate announced that Senator Ghee has been removed from Reforming Alabama's Workers' Compensation Laws Subcommittee under the Business and Labor Committee and appointed to the following Standing Committee of the Senate, to-wit:

Unemployment Compensation and Job Placement Subcommittee under Business and Labor

The President and Presiding Officer of the Senate then announced that Senator Clay has been removed from Unemployment Compensation and Job Placement Subcommittee under the Business and Labor Committee

REGULAR SESSION  
**1st Day**

5

and appointed to the following Standing Committee of the Senate, to-wit:

Reforming Alabama's Workers' Compensation Laws Subcommittee under Business and Labor

The President and Presiding Officer of the Senate then announced that Senator Smitherman has been appointed to the following Standing Committee of the Senate, to-wit:

Vice Chairperson - Constitution, Campaign Finance, Ethics, and Elections

The President and Presiding Officer of the Senate then announced that Senator Little has been appointed to the following Standing Committee of the Senate, to-wit:

Postsecondary Education Subcommittee under Finance and Taxation Education

The President and Presiding Officer of the Senate then announced that Senator Butler has been appointed to the following Standing Committees of the Senate, to-wit:

Finance and Taxation Education Fund

Local Legislation No. 1

The President and Presiding Officer of the Senate then announced that Senator Dixon has been appointed to the following Standing Committee of the Senate, to-wit:

Finance and Taxation General Fund

The President and Presiding Officer of the Senate then announced that Senator Smith has been appointed to the following Standing Committee of the Senate, to-wit:

Finance and Taxation General Fund

The President and Presiding Officer of the Senate then announced that Senator Poole has been appointed to the following Standing Committee of the Senate, to-wit:

Postsecondary Education Subcommittee under Finance and Taxation Education Fund

**1st Day**

The President and Presiding Officer of the Senate then announced that Senator Steele has been appointed to the following Standing Committee of the Senate, to-wit:

Local Legislation No. 1

The President and Presiding Officer of the Senate then announced that Senator Smith has been appointed to the following Standing Committee of the Senate, to-wit:

Transportation, Agriculture, Natural Resources, and Economic Development Subcommittee under Finance and Taxation General Fund

The President and Presiding Officer of the Senate then announced that Senator Little has been appointed to the following Standing Committee of the Senate, to-wit:

Small Business and Rural Development

The President and Presiding Officer of the Senate then announced that Senator Lipscomb has been appointed to the following Standing Committee of the Senate, to-wit:

Veterans and Military Affairs

The President and Presiding Officer of the Senate then announced that Senator Smitherman has been appointed to the following Standing Committee of the Senate, to-wit:

Industrial Development and Recruitment

The President and Presiding Officer of the Senate then announced that Senator Steele has been appointed to the following Standing Committee of the Senate, to-wit:

Industrial Development and Recruitment

## **RESOLUTIONS**

Senator Lindsey requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 1.** COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE

**1st Day**

HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as committee on the part of the Senate to notify the Governor, Senators Mitchell, Armistead, and Steele.

Senator Lindsey then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.**

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two houses recess Tuesday, April 18, 1995, in the Alabama State House that the two houses convene again at 6:15 P.M. on April 18, 1995, in the House of Representatives Chamber on the second floor of the Alabama State Capitol, 600 Dexter Avenue, in a joint session for the purpose of hearing the message of the Honorable Fob James, Jr., Governor of Alabama, at 6:30 P.M.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as committee on the part of the Senate to escort the Governor, Senators Myers, Waggoner, and McClain.

**INTRODUCTION OF BILLS**

The following Bills, having been pre-filed with the Secretary of the

**1st Day**

Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate standing committees, were confirmed, as follows:

By Senator Bedford:

**S. 1.** To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

Committee on Judiciary

By Senator Bedford:

**S. 2.** To require the Department of Corrections to remove all barbells and other weight lifting equipment or machines from all state correctional facilities.

Committee on Judiciary

By Senator Bedford:

**S. 3.** To prohibit the introduction and the use of tobacco products by any inmate in the state prison system.

Committee on Judiciary

By Senator Figures:

**S. 4.** To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary judges.

Committee on Judiciary

REGULAR SESSION  
1st Day

9

By Senator Butler:

**S. 5.** To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

Committee on Judiciary

By Senator Langford:

**S. 6.** To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

Committee on Governmental Affairs

By Senator Denton:

**S. 7.** To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

Committee on Governmental Affairs

By Senator Denton:

**S. 8.** To amend Section 8-17-217 of the Code of Alabama 1975, relating to permissible fireworks which may be sold in this state; to exclude certain sky rockets from fireworks that may be sold within this state by establishing minimum size requirements for sky rockets; to permit sky rockets below the minimum size to be stored by licensed manufacturers, distributors, and wholesalers within the state for sale outside the state; and to provide for a delayed effective date.

Committee on Commerce,  
Transportation, and Utilities

By Senator Langford:

**S. 9.** To amend Sections 41-9-741, 41-9-742, and 41-9-744 of the Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

Committee on Governmental Affairs

By Senator Denton:

**S. 10.** To exempt all property owned and used by Habitat For Humanity from any state, county, and local ad valorem taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Denton:

**S. 11.** To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senators Bedford, Butler, and Windom:

**S. 12.** To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Committee on Judiciary

By Senators Bedford, Butler, and Windom:

**S. 13.** To amend Section 13A-12-213, Code of Alabama 1975, relating to unlawful possession of marihuana in the first degree; to provide that a person commits the crime of unlawful possession of marihuana in the first degree if the person possesses marihuana for personal use after having



been previously convicted of any offense involving a controlled substance.

Committee on Judiciary

By Senator Bedford:

**S. 14.** To amend Section 36-21-1, Code of Alabama 1975, to increase the maximum amount reimbursed to law enforcement officers for the cost of defending certain lawsuits.

Committee on Fiscal Responsibility  
and Accountability

By Senator Davidson:

**S. 15.** Relating to Walker County, to propose an amendment to the Constitution of Alabama of 1901, providing further powers and authority to purchase, lease, or acquire land for the development of industrial sites and industrial park projects.

Committee on Local  
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Davidson:

**S. 16.** To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

Committee on Fiscal Responsibility  
and Accountability

By Senator Mitchell:

**S. 17.** To regulate and provide procedures for personnel records of public school employees.

Committee on Education

By Senator Mitchell:

**S. 18.** To amend Sections 34-24-140, 34-24-141, and

**1st Day**

34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

Committee on Governmental Affairs

By Senator Mitchell:

**S. 19.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Committee on Judiciary

By Senator Mitchell (With Notice and Proof):

**S. 20.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 20, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Mitchell:

**S. 21.** To regulate the practice of architecture and to register architects in this state; to create the State Board for Registration of Architects and define its powers and duties; to confer qualified immunity on architects for charitable architectural services; to provide for standards relating to educational and other qualifications required by the board in the registration of architects; to provide for the suspension and revocation of registrations and other disciplinary actions; to prescribe penalties; to repeal

Sections 34-2-30 to 34-2-42, inclusive, of the Code of Alabama 1975, relating to architects; and to provide for retroactive effect of Section 7, relating to professional continuing education of architects.

Committee on Governmental Affairs

By Senator Mitchell:

**S. 22.** To amend Section 32-6-233.1, Code of Alabama 1975, relating to unauthorized parking of a motor vehicle in a place designated for handicapped parking, so as to increase the fine; and to further provide that municipalities may, by ordinance, levy additional fines.

Committee on Fiscal Responsibility  
and Accountability

By Senator Mitchell:

**S. 23.** To provide for regulating the construction, installation, inspection, maintenance, and repair of boilers and pressure vessels, nuclear power systems, and power process piping; to create the Alabama Boiler and Pressure Vessel Board and to provide for its membership, powers, and duties; to provide an appropriation; to provide for exclusive jurisdiction by the state concerning the inspection and regulation of boilers and pressure vessels; and to provide a penalty for the violation of the provisions of the act.

Committee on Governmental Affairs

By Senator Mitchell:

**S. 24.** To establish the Alabama Board of Locksmiths; to provide for the regulation and licensing of persons engaged in the business of locksmiths; to provide for fees and the deposit thereof, and for appropriations; and to provide penalties for violations of this act and the rules and regulations issued thereunder.

Committee on Governmental Affairs

By Senator Mitchell:

**S. 25.** To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

Committee on Fiscal Responsibility  
and Accountability

By Senator Denton:

**S. 26.** To amend Sections 17-4-129 and 17-4-130 of the Code of Alabama 1975, to provide further for the publication of a list of registered voters and to provide that the list may be made available for purchase at the cost of reproduction.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Denton:

**S. 27.** To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Mitchell (With Notice and Proof):

**S. 28.** Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158, 1975 Regular Session (Acts 1975, p. 1563), as amended by Act No. 81-1106, 1981 Special Session (Acts 1981 Special Session, p. 369), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 28, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ghee:

**S. 29.** To amend Section 40-12-290 of the Code of Alabama 1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties

for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

Committee on Fiscal Responsibility  
and Accountability

By Senator Ghee:

**S. 30.** To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; and to provide for civil enforcement of the regulations, including civil penalties for violations.

Committee on Governmental Affairs

### **ELECTION OF MEMBERS TO SENATE ETHICS AND CONDUCT COMMITTEE**

The Senate proceeded to the election of members to the Senate Ethics and Conduct Committee.

Senator Bedford nominated Senators Waggoner, Steele, Dial, Armistead, and Denton.

On motion of Senator Bedford, Senators Waggoner, Steele, Dial, Armistead, and Denton were elected as members of the Senate Ethics and Conduct Committee.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

### **ELECTION OF MEMBERS TO LEGISLATIVE COUNCIL**

The Senate proceeded to the election of members to the Legislative Council.

Senator Bedford nominated Senators Biddle, Denton, Hale, and Little.

**1st Day**

On motion of Senator Bedford, Senators Biddle, Denton, Hale, and Little were elected as members of the Senate to the Legislative Council.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**COMMUNICATION FROM LIEUTENANT GOVERNOR**

February 7, 1995

Mr. McDowell Lee  
Secretary of the Senate  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

I have today appointed Mr. Fournier J. Gale III of Birmingham to the Alabama Commission on Higher Education, subject to Senate confirmation, pursuant to Section 16-5-2 of the Code of Alabama. Mr. Gale's term will expire August 31, 2003.

Sincerely,

DON SIEGELMAN,  
Lieutenant Governor.

**COMMUNICATION RECEIVED**

The foregoing Message from the President and Presiding Officer of the Senate relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM  
DEPARTMENT OF ARCHIVES AND HISTORY**

May 18, 1994

REGULAR SESSION  
1st Day

17

The Honorable McDowell Lee  
Secretary of the Senate  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

On May 12, 1994, the Board of Trustees of the Alabama Department of Archives and History elected Shirley Dowling McCrary of Mooresville to the Board representing Alabama's Fifth Congressional District. Mrs. McCrary fills the unexpired term of William H. Mitchell, which runs through December 31, 1996. In accordance with Alabama Law (Code 41-6-4), we are communicating the results of this election to you so that Mrs. McCrary may be confirmed by the Senate.

Please let me know if you need any additional information. We would appreciate your help in bringing the result of this election before the Senate during the next session.

Sincerely,

EDWIN C. BRIDGES,  
Director.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Department of Archives and History, relative to an election to the Board of Trustees from the Fifth Congressional District, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE ACTING  
STATE SUPERINTENDENT OF EDUCATION**

April 5, 1995

The Alabama State Senate  
State House  
Montgomery, AL 36130

Lady and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trust-

JOURNAL OF THE SENATE, 1995  
**1st Day**

ees by the members of said Board, in the manner prescribed by the Constitution on December 15, 1994.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Oliver H. Delchamps, Jr.	Fairhope, AL	First	2000

Sincerely,

THOMAS E. INGRAM, JR.,  
Acting State Superintendent  
of Education.

Sworn to and subscribed before  
me on this 5th day of April, 1995.

JUDY L. ATCHISON  
Notary Public.

### COMMUNICATION RECEIVED

The foregoing Communication from the Acting State Superintendent of Education, relative to an election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

### REPORT FILED

Pursuant to Act No. 88-162, the annual report from Lucy Baxley, State Treasurer, on the Linked Deposits Program, was filed with the Secretary.

### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint



Resolution and sends same herewith to the Senate for its consideration.

By Rep. Hammett:

**HJR 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Tuesday, April 18, 1995, for the purpose of hearing the message of the Honorable Fob James, Jr., Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the State Capitol for the joint session.

And the Speaker has appointed as a committee on the part of the House, Reps. McMillan, Hooper, and Fuller.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Lindsey, the Rules were suspended and the Resolution, HJR 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as committee on the part of the Senate to escort the Governor, Senators Myers, Waggoner, and McClain.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration.

By Rep. Hammett:

**HJR 2.** COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House, Reps. McMillan, Hooper, and Fuller.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Lindsey, the Rules were suspended and the Resolution, HJR 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as committee on the part of the Senate to notify the Governor, Senators Mitchell, Armistead, and Steele.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hammett and Sanderford:

**HJR 5.** INVITING THE COMMANDANT OF THE UNITED STATES MARINE CORPS TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, General Carl E. Mundy, Jr. is a native Alabamian, a

graduate of Lanier High School in Montgomery, and a graduate of Auburn University; and

WHEREAS, General Mundy has had a long and illustrious military career with many military accomplishments; and

WHEREAS, General Mundy currently serves as a Commandant of the United States Marine Corps; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request General Carl E. Mundy, Jr. to address a joint session of the Alabama Legislature on Thursday, April 20, 1995, at 1:30 p.m. whereupon the Alabama Senate and the Alabama House of Representatives will assemble in joint session in the House Chamber to hear his remarks.

BE IT FURTHER RESOLVED, That General Mundy be advised by copy of this resolution of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

#### **HJR 4.     RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, April 18, 1995, they adjourn to meet again on Thursday, April 20, 1995, and when they adjourn on Thursday they adjourn to meet again on Wednesday, May 3, 1995, and when they adjourn on

Wednesday they adjourn to meet again on Thursday, May 4, 1995.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Lindsey, the Rules were suspended and the Resolution, HJR 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Senator Lindsey offered the following Senate Joint Resolution, to-wit:

**SJR 3.** ELECTING A LEGISLATIVE REPRESENTATIVE TO THE GULF STATES MARINE FISHERIES COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That pursuant to Sections 9-12-180 and 9-12-181 of the Code of Alabama 1975, the Legislature of Alabama, by the adoption of this resolution, elects Representative Walter E. Penry, Jr., as the elected legislative representative of the State of Alabama on the Gulf States Marine Fisheries Commission. The Clerk of the House of Representatives shall forward a certified copy of this resolution to the Gulf States Marine Fisheries Commission.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Freeman offered the following Senate Joint Resolution, to-wit:

**SJR 4.** RECOGNIZING THE SPACE SHUTTLE MAIN ENGINE PROGRAM AND MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the successful launching of the Space Shuttle Discovery (STS-63), February 2, 1995, marked more than 200 engine flights, and a major milestone for the Space Shuttle Main Engine (SSME) program managed by NASA's Marshall Space Flight Center in Huntsville, Alabama; and

WHEREAS, it was also an achievement which further demonstrated Huntsville's Marshall Space Flight Center as a world class leader and cen-

**1st Day**

ter of excellence in propulsion and space transportation; and

WHEREAS, the contract to build the SSME, cited as the most complicated machine ever built, and one of America's greatest technological achievements, was initiated August 11, 1972, with Rockwell Aerospace, a world leader in the manufacture and design of advance aircraft and space systems; and

WHEREAS, over the years since the first shuttle lift-off in April 1981, there have been 67 completed shuttle launches, including the STS-63, and the SSMEs have achieved a 100% mission success rate in 14 years of flight service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we note the 201st engine flight of the Space Shuttle Main Engine and recognize the success of the Marshall Space Flight Center Space Shuttle Main Engine program, which has brought honor and distinction to the Huntsville community, Madison County, and to our state.

On motion of Senator Freeman, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Freeman then offered the following Senate Joint Resolution, to-wit:

**SJR 5.** COMMENDING THE HAZEL GREEN LADY TROJANS ON THE 1994-1995 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature herein extends heartiest congratulations to the Hazel Green Lady Trojans as Alabama's 1995 State Class 5A Champions; and

WHEREAS, amid the supportive cheers of fans and cheerleaders, and with a competitive will-to-win spirit, the top-ranked Lady Trojans came from behind in the second half of tournament play, defeating the Hillcrest-Evergreen Lady Jaguars 68-61, to capture their first state championship title, and finish the season with a remarkable 31-2 record; and

WHEREAS, the Lady Trojans, who accomplished this feat under the capable direction of Head Coach Clay Giles, ably assisted by Coach Laynette Coble and Manager Missy Cook, are Amanda Stafford, Amber Jones, Krista Patterson, Shamolie Wyckoff, Lori Campbell, Malinda Edwards, Allison Davis, Nicole Neve, Tracey Walker, Candace Campbell,

**1st Day**

Robin Stafford, Shari Badgett, Beth Kerby, and Leela Underwood; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the Champion Hazel Green Lady Trojans, Coach Clay and his entire staff, and direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Senator Freeman, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Freeman then offered the following Senate Joint Resolution, to-wit:

**SJR 6. COMMENDING THE MADISON COUNTY BUCKHORN HIGH SCHOOL BUCKS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.**

WHEREAS, it is with utmost pride and pleasure that the Legislature of Alabama herein extends heartiest congratulations to Coach Phillip Collie and his Madison County Buckhorn Bucks on their 1994-1995 Class 5A Basketball Championship; and

WHEREAS, the Buckhorn's dream came true by virtue of an outstanding victory in double over-time, 75-69 over the Phillips Red Raiders, to win their first Class 5A title and their second state title in five years; and

WHEREAS, this season, the Bucks Head Coach Phillip Collie, assisted by Coaches Chris Bolen and Jon Cardwell, directed an outstandingly talented team of fine young athletes, each and every one of whom greatly contributed to their school's sensational season and the 1994-95 Championship: Maurice Baker, Devin Beasley, Kyle Clemons, Ben Cole, Marcus Davidson, Gerald Dillard, Chauncey Ford, Greg Griffin, John Hill, Darwin Hobbs, Tony Leslie, Madrae Scruggs, Donald Wynn, and Michael Wynn, along with team managers Clay Collie, Travis Pope, and Torrey Strong; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby bestow highest commendation upon Buckhorn High School on the 1994-1995 Alabama Class 5A Basketball Championship, and it is directed that a copy of this resolution be provided

**1st Day**

to Principal Tommy Ledbetter for the purpose of appropriate presentation and school display.

On motion of Senator Freeman, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler offered the following Senate Joint Resolution, to-wit:

**SJR 7. COMMENDING THE LIBERTY MIDDLE SCHOOL LIONETTES DANCE TEAM, MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Liberty Middle School Lionettes Dance Team, Madison, Alabama on their outstanding accomplishments since its inception in 1990; and

WHEREAS, last year, the Lionettes won the state competition, earning the honor of competing in the national competition in New Orleans, Louisiana; and

WHEREAS, after receiving superior ratings at dance camp in Tuscaloosa last summer, the Lionettes won first place in the county dance competition to advance to the regionals at Athens State College; and

WHEREAS, the Lionettes won regionals in Athens and went to the state competition, winning first place honors to earn a berth in this year's national championship competition in Jacksonville, Florida; and

WHEREAS, greatly contributing to an outstanding team effort were team members, Emily Landingham, Kendall Newby, Julie Heiken, Allison Whitworth, Stefanie Bornas, Chrissy Brooks, Candice Carter, Amy Congo, Nancy Lord, Suzie Rockey, Liz Shook, Lauren Teague, Kelli Williams, Elizabeth Sanders, Heather Hornsby, Marie Elliot, Kimberly Cruz and Kendra Kelly; and

WHEREAS, under the skillful leadership of coaches, Debra McConnell and Susan Hamilton, these outstanding young ladies are indeed deserving of highest praise on their accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the Liberty Middle School Lionettes Dance Team of Madison, Alabama, and direct that copies of this resolution be forwarded to Coaches Debra McConnell and Susan Hamilton for appropriate presentation and school display.

**1st Day**

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler then offered the following Senate Joint Resolution, to-wit:

**SJR 8. MOURNING THE DEATH OF KELLY ANTONETTE DEFOE OF ATHENS, ALABAMA.**

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the untimely death of Kelly Antonette Defoe of Athens, Alabama, on March 3, 1995, at the early age of 16 years; and

WHEREAS, Miss Defoe, who died as the result of a tragic automobile accident, was the beloved daughter of Connie and Larry Ball and Tony and Kay Defoe, and an 11th grade student at West Limestone High School; and

WHEREAS, Miss Defoe was indeed an exceptional young lady whose future was bright with promise, and her sudden death leaves her family, many friends, and the entire community sorely bereft in grief; and

WHEREAS, in addition to her parents, Miss Defoe is survived by a brother, Keith Defoe; half brother, Mitchell Nathan Defoe; two stepsisters, Amanda Nicole Defoe and Tabatha Dawn Ball; grandmothers, Marie Long and Leona Wilson; and other close family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as her death is mourned, we give thanks for the life of Kelly A. Defoe and for the great joy she brought to her adoring family, whose sorrow we share, and for whom a copy of this resolution shall be provided.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler then offered the following Senate Joint Resolution, to-wit:

**SJR 9. MOURNING THE DEATH OF REGINA FAYE CLARK OF ATHENS, ALABAMA.**

WHEREAS, the Alabama Legislature grievously records the un-



timely death of Regina Faye Clark of Athens, Alabama, on March 3, 1995, at the age of just 17 years; and

WHEREAS, Miss Clark, who died as the result of a tragic automobile accident, was an eleventh grade student at West Limestone High and attended the Limestone County Area Vocational Technical Center; and

WHEREAS, the daughter of Glen and Betty Clark of Athens, Miss Clark was a fine young woman whose future was bright with promise and her death has left an unfathomable void in the life of the community, and in the hearts of her beloved family and many, many friends; and

WHEREAS, in addition to her parents, Miss Clark is survived by a sister, Melinda Ann Ashby; a half sister, Michelle Clark; a brother, Jerry Dwight Breedwell; a half brother, Wallace Glen Clark, Jr.; grandmothers, Ruthie Adams and Doris Clark; and other close family members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life of Regina Faye Clark and for the untold joy she brought to her loving family, whose sorrow we sincerely share and for whom a copy of this resolution of heartfelt condolence shall be provided.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler then offered the following Senate Joint Resolution, to-wit:

**SJR 10. MOURNING THE DEATH OF ARTHUR ALLEN MING OF ATHENS, ALABAMA.**

WHEREAS, the Legislature of Alabama is deeply saddened by the death of Arthur Allen Ming of Athens, Alabama, on January 22, 1995, at the age of 73 years; and

WHEREAS, a native of Inverness in Bullock County, and a resident of Athens for the past 31 years, Mr. Ming was a deacon of First Baptist Church of Athens, a veteran of the United States Army Air Corps during World War II, a mason, and a member of NORALA Holiday Rambler Club; and

WHEREAS, he also served with distinction for 38 years as a civil

**1st Day**

service employee of the United States Army Missile Command at Redstone Arsenal, and was chaplain of the Athens/Limestone County Chapter of the National Association of Retired Federal Employees; and

WHEREAS, the high regard in which he was held by his loving family, his myriad of friends, and other individuals fortunate enough to have known him stands as a testament for those who strive for the best in personal, professional and community life, and his memory will live forever in the hearts and minds of those whose lives were touched by his genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Arthur Allen Ming of Athens, Alabama, and extend our deepest sympathy to his devoted wife, Attie Johnson Ming; son, William Calvin Ming; two daughters, Marsha Ming White and Missy Ming Smith; sister, Catherine Ming Stepchuck; to his four grandchildren; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Mitchell offered the following Senate Joint Resolution, to-wit:

**SJR 11.** SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA MEDICAID AGENCY'S PROPOSED AMENDMENT OF RULE NO. 560-X-16-.09, ENTITLED "PRIOR AUTHORIZATION."

WHEREAS, the Alabama Medicaid Agency filed a "Notice of Intended Action" of the proposed Amendment of Rule No. 560-X-16-.09, entitled "Prior Authorization," a copy of which is attached and made a part of this resolution; and

WHEREAS, the notice was published in the Alabama Administrative Monthly, dated January 31, 1994; and

WHEREAS, the Alabama Medicaid Agency certified to the Legislative Reference Service the adoption of an amendment to Rule No. 560-X-16-.09, on March 11, 1994, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on April 6, 1994; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(c), Code of Alabama 1975, disapproved the proposed amendment of Rule No. 560-X-16-.09, entitled "Prior Authorization"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove the proposed rule amendment to Rule No. 560-X-16-.09, entitled "Prior Authorization," is sustained.

On motion of Senator Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Mitchell, Little, Adams, Ghee, and Hale offered the following Senate Joint Resolution, to-wit:

**SJR 12.** CALLING FOR A CONFERENCE OF THE STATES TO BE PROMOTED AND CONVENED BY THE COUNCIL OF STATE GOVERNMENTS FOR THE PURPOSE OF RESTORING BALANCE IN THE FEDERAL SYSTEM.

Which was read and referred to the Standing Committee on Rules.

Senators Dixon, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 13.** COMMENDING THE ALABAMA CHILDREN'S REHABILITATION SERVICE ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes the 60th Anniversary of Alabama Children's Rehabilitation Service; and

WHEREAS, the Alabama State Crippled Children Service, renamed Children's Rehabilitation Service in 1990, was established in 1935 by act of the Alabama Legislature to provide medical, surgical, corrective and other services, including hospitalization and after-care, for children with disabilities; and

WHEREAS, over the past 60 years, Children's Rehabilitation Ser-

**1st Day**

vice, a part of the Alabama Department of Rehabilitation Services, has ably served the needs of some 27,000 Alabama children and the families of these children with special health care needs, providing a statewide system of specialty medical, rehabilitative and support services that are family centered, comprehensive, culturally competent, and community based; and

WHEREAS, the service has also taken a leadership role in developing consumer participation by the establishment of fifteen Parent Advisory Committees, and the employment of parents to enhance support services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions toward the care and well-being of Alabama's special children and their families, we hereby most heartily commend Children's Rehabilitation Service, and direct that a copy of this resolution be forwarded to Mrs. Kay Herrin, Director, for appropriate presentation and display.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon and Langford offered the following Senate Joint Resolution, to-wit:

**SJR 14.** COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1995 STATE 6A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Jefferson Davis High School Volunteers of Montgomery, Alabama, as Alabama's 1995 State 6A Basketball Champions; and

WHEREAS, the Champion Volunteers, under the able leadership of Head Coach Wilbert Hamilton finished the season with a spectacular record of 32-1; and

WHEREAS, in the state tournament, the Volunteers exhibited superb finesse and style to defeat rival Selma High School, third-ranked Central High School of Phenix City, and second-ranked Butler County High School to advance to the championship game; and

WHEREAS, the Volunteers destroyed Parker High School of Birmingham in the championship game by a score of 83-55 to win the first 6A Boys Title for Jefferson Davis High School; and

WHEREAS, in winning the 1995 State 6A Basketball Title, the Volunteers are indeed deserving of highest praise, as are all those who played an instrumental role in the team's victorious season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Wilbert Hamilton, his staff, and the Jefferson Davis High School Volunteers on the 1995 State 6A Basketball Championship, and do further direct that copies of this resolution be forwarded to Jefferson Davis High School for appropriate presentation and school display.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedford, Denton, Amari, Waggoner, and Dixon offered the following Senate Joint Resolution, to-wit:

**SJR 15. COMMENDING CLYDE B. ANDERSON OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with highest commendation and esteem that the Legislature of Alabama notes the outstanding achievement of Clyde B. Anderson, Chief Executive Officer of Books-A-Million, who was named the 1994 Alabama CEO of the Year; and

WHEREAS, Mr. Anderson is the third generation of a family owned business that was started by his grandfather, Clyde W. Anderson, in 1917 as a young boy selling newspapers from a corner newsstand in Florence, Alabama; and

WHEREAS, Mr. Anderson's brilliance and outstanding success in building Bookland into the large superstore chain, Books-A-Million, is a result of hard work, good management skills, a love for people, and a keen business savvy; and

WHEREAS, Clyde Anderson has exemplified the highest standards of professionalism through his example of leadership and dedicated commitment to his business, earning the respect and admiration of his employees, colleagues, and customers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Clyde B. Anderson, who we

**1st Day**

hold in highest esteem and for whom a copy of this resolution shall be presented.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedford, Denton, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 16.** COMMENDING CAROLINE SELF, ALABAMA'S 1995 JUNIOR MISS.

WHEREAS, it is with tremendous pride that the Alabama Legislature congratulates and commends 17-year-old Caroline Self of Florence, Alabama, on being selected Alabama's Junior Miss for 1995; and

WHEREAS, Caroline Self, an outstandingly talented and beautiful Bradshaw High School senior, and the daughter of Mr. and Mrs. Henry H. Self Jr., of Florence, represented Lauderdale County in the statewide competition in Montgomery on January 21st; and

WHEREAS, the new Alabama Junior Miss, the first to be chosen from the Northwestern region of the state in more than a decade, and only the second in the 38-year history of the pageant, attributes her success to the preparation she received in the Northwest Alabama competition in August, 1994; and

WHEREAS, Caroline Self has already received numerous college scholarship offers from more than 20 schools, including schools from around the state and Virginia, Missouri, Mississippi, and Maryland, as a result of her new Junior Miss Title; and

WHEREAS, in mid June, she will travel to Mobile to most ably represent the State of Alabama in the National Junior Miss Competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Caroline Self, Alabama's Junior Miss 1995, and express our deep pride and sincere best wishes as she so ably represents Alabama in the National Junior Miss Competition in Mobile.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to her as a token of our sincere warm praise and regard.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedford, Smitherman, Escott-Russell, Sanders, and McClain offered the following Senate Joint Resolution, to-wit:

**SJR 17. MOURNING THE DEATH OF JESSE J. LEWIS, JR., OF BIRMINGHAM, ALABAMA.**

WHEREAS, the Legislature of Alabama grievously records the death of Jesse J. Lewis, Jr., of Birmingham, Alabama, on February 26, 1995, at the age of just 38 years; and

WHEREAS, Mr. Lewis, whose death resulted from a tragic automobile accident, was a prominent area businessman and civic leader who left an indelible mark on his community and all who knew him; and

WHEREAS, as president and chief executive officer of Jesse J. Lewis & Associates, a firm founded by his father, Jesse J. Lewis, Sr., he earned the admiration and respect of all with whom he was associated both as a dedicated professional and as an individual; and

WHEREAS, as a concerned citizen he was committed to the good and well-being of his community, and his generous leadership and support in numerous civic affairs are of lasting benefit to the citizens of Birmingham; and

WHEREAS, the untimely death of Jesse J. Lewis, Jr. is indeed a severe blow to the community, and to his beloved family and many, many friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Jesse J. Lewis, Jr., and extend deepest sympathy to his beloved parents, Mr. and Mrs. Jesse J. Lewis, Sr.; to his brother, James Lewis; and to other close family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedford offered the following Senate Joint Resolution, to-wit:

**SJR 18. COMMENDING COACH DON COX, 4A-6A FOOTBALL COACH OF THE YEAR.**

**1st Day**

WHEREAS, in its desire to recognize individuals of exceptional achievement in their chosen field of endeavor, the Alabama Legislature notes with utmost commendation the outstanding career of football coach Don Cox of the Russellville High School Golden Tigers in Russellville, Alabama; and

WHEREAS, Coach Cox, who has been at the helm of the Russellville football dynasty for 15 seasons was named the TimesDaily's 1994 4A-6A Coach of the Year in the All-Area balloting, leading the Golden Tigers to an impressive season record of 12-2, that placed them in the playoffs; and

WHEREAS, the two goals of Coach Cox, who is a fierce competitor, are to keep the Russellville football program one of the best in the state and to win a state championship; and

WHEREAS, Coach Cox's outstanding accomplishments and ability as a coach were never more evident than this year when eight of his players were chosen to play on the All-Area team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Don Cox of Russellville High School on his selection as 1994 4A-6A Football Coach of The Year, and direct that he receive a copy of this resolution of highest praise and esteem, and best wishes for continued success.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators McClain, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 19.** COMMENDING DERON DAVIS OF HUEYTOWN, ALABAMA.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Alabama Legislature commends and congratulates Deron Davis of Hueytown, Alabama; and

WHEREAS, Deron, the 14-year-old son of Loretta Marable, and



an eighth grade student at Holy Family Elementary School in Ensley, recently became the state's top speller when he correctly spelled the word "propitious," and captured the state Spelling Bee Championship, an event sponsored by the Birmingham Post-Herald; and

WHEREAS, young Deron, who will represent our state at the National Spelling Bee to be held in Washington, D.C., in May, is a fine young man of outstanding academic ability, and is indeed deserving of public recognition and applause; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, highest commendation and heartiest congratulations are hereby accorded Deron Davis of Hueytown, Alabama, a young Alabamian of whom we are justly proud, and for whom a copy of this resolution of highest regard shall be provided.

On motion of Senator McClain, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Windom and Myers offered the following Senate Joint Resolution, to-wit:

**SJR 20. NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."**

WHEREAS, John Roberts Peavy, born in 1882 in Marvin, Alabama, the son of a Methodist Minister, received his formal education at the University of Alabama, earning a B.S. degree in civil engineering; and

WHEREAS, following a year of teaching at Vanderbilt University, Mr. Peavy served successively with the GM&O Railroad and as assistant city engineer with the City of Mobile before assuming the position of chief engineer for Mobile County in 1927, an office he held until 1935; and

WHEREAS, it was during his tenure as county engineer that the existing Dog River Bridge in Mobile County was constructed; under his able leadership and guidance, plans for the bridge were approved and Mr. Peavy continued as the public representative for the project until its completion; and

WHEREAS, later in his career, Mr. Peavy served as maintenance engineer for the State of Alabama Highway Department from 1935 to 1940, and as Superintendent of Water Works for the City of Mobile, until his lamentable death on August 27, 1941; and

**1st Day**

WHEREAS, preceded in death by his devoted wife, Alberta Kimbrough Peavy, and two sons, Mr. Peavy is survived by daughters, Frances (Peavy) Howell and Mary Elizabeth (Peavy) Bazzel, and one son, Thomas K. Peavy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new Dog River Bridge in Mobile County be named and designated the "John Roberts Peavy Bridge" in memorium to the outstanding contributions and service of the late John Roberts Peavy, and that copies of this resolution be provided for Mr. Peavy's family as evidence of our tribute and esteem.

BE IT FURTHER RESOLVED, That the proper officials be authorized to erect and maintain signs and markers designating said "John Roberts Peavy Bridge."

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Roberts offered the following Senate Resolution, to-wit:

**SR 21.      APPOINTING A BUSINESS ADVISORY COUNCIL.**

WHEREAS, the Senate needs to receive vital input and advice from leaders in the business community of Alabama on recommendations, particularly on small business issues, that will help foster a favorable climate in this state for attracting and retaining business and industry; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That the Lieutenant Governor shall appoint a Business Advisory Council to advise the Lieutenant Governor and the members of the Senate on business-related issues, particularly small business issues, that will foster a desirable climate that is helpful in attracting and retaining business and industry in Alabama.

The council shall make recommendations and suggest ideas for legislation that will encourage business development and growth in the state.

The Lieutenant Governor shall appoint all members of the council from persons active in the business community of the state.

The Lieutenant Governor shall appoint two members to co-chair meetings of the council.

**1st Day**

The council shall meet at the call of the Lieutenant Governor and its members shall receive no compensation for their services.

On motion of Senator Roberts, the Resolution was adopted by the Senate.

Senators Smith, Dial, Butler, Mitchem, Davidson, Little, Biddle, Hale, Myers, Escott-Russell, Denton, Armistead, Adams, Ghee, Windom, Steele, Barron, Poole, Bailey, Hill, McClain, Roberts, Waggoner, and Lipscomb offered the following Senate Joint Resolution, to-wit:

**SJR 22. EXPRESSING SUPPORT FOR JUDGE ROY MOORE.**

WHEREAS, it has come to our attention that Judge Roy Moore of the 16th Judicial Circuit is currently being sued by the American Civil Liberties Union pursuant to a First Amendment complaint under the Freedom of Religion Clause for the display of the Ten Commandments and for having prayer before convening the court; and

WHEREAS, the distorted interpretation of the First Amendment by the United States Supreme Court has evolved from a separation-of-church-and-state doctrine to an almost exclusively anti-religion-in-any-form doctrine, which is certainly not in keeping with the philosophies and practices of the Framers of the Constitution; and

WHEREAS, many of the basic covenants found in the Ten Commandments, such as “Thou shalt not kill,” “Thou shalt not steal,” and “Thou shalt not bear false witness against thy neighbor” are found at the very core of our criminal justice system; and

WHEREAS, this nation was founded on the concept that each individual should be free to reasonably express his or her moral, spiritual, or religious convictions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support Judge Roy Moore’s right to display the Ten Commandments and to have prayer before convening court.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to him to express our support, and that a copy of the Ten Commandments be displayed in an appropriate place in the Senate and House Chambers.

**1st Day**

On motion of Senator Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Joint Resolution, to-wit:

**SJR 23.** DESIGNATING STATE HIGHWAY 9 IN CHEROKEE COUNTY, "THE GOSHEN MEMORIAL HIGHWAY."

WHEREAS, a ravaging tornado passed through northern Alabama on Palm Sunday 1994, and left a trail of death and devastation; and

WHEREAS, the Goshen United Methodist Church in the small southern Cherokee County community of Spring Garden was completely destroyed causing the death of 20 parishioners; and

WHEREAS, the memory of the loss of loved ones and the ongoing efforts of the remaining family members, friends, and neighbors, to readjust to life without them continues; and

WHEREAS, the outpouring of aid and assistance from the community and government leaders has immensely helped the affected survivors of this tragedy as they struggle to recover from the loss of life and property; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of State Highway 9 in Cherokee County, starting at the Piedmont city limits to the Centre city limits be designated as "The Goshen Memorial Highway," in memory of the lost lives and property destroyed by the tornado that swept through the county on Palm Sunday 1994.

BE IT FURTHER RESOLVED, That the State Department of Transportation erect and maintain signs and markers showing this designation.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Poole, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 24.** COMMENDING YETTA G. SAMFORD, JR., FOR

**DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.**

WHEREAS, it is with highest commendation and esteem that the Legislature of Alabama recognizes Yetta G. Samford, Jr., for a distinguished record of outstanding contributions to his community and the State of Alabama; and

WHEREAS, a native of Opelika, Alabama, Mr. Samford received his undergraduate degree from Alabama Polytechnic Institute (now Auburn University) in 1947 and his law degree from the University of Alabama in 1949, where he was president of Phi Delta Phi Legal Fraternity and was inducted into Omicron Delta Kappa and Quadrangle; and

WHEREAS, in longtime service to his community and fellow citizens, Mr. Samford's concern for others has been made manifest both through his dedicated participation and leadership as a member of numerous advisory boards and committees such as the Opelika Board of Education, Alabama State Chamber of Commerce, trustee of Mobile College, State Docks Advisory Board, and Trustee Emeritus of the University of Alabama, where he provided outstanding leadership and service during his 21-year tenure; and

WHEREAS, in addition to practicing law successfully in Opelika for more than 40 years, Yetta G. Samford served from 1958 to 1962 in the Alabama State Senate, representing Lee and Russell Counties faithfully and in statesman-like leadership; and

WHEREAS, Mr. Samford, throughout his life, has been an inspiration and a true symbol of a distinguished Alabamian, whose integrity, ability, and tireless dedication to the State of Alabama and her citizens, has earned for him the respect and admiration of his colleagues, friends, and the countless individuals whose lives he has touched through genuine care and concern; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in recognition of outstanding achievement and contributions to the State of Alabama, we hereby most highly commend Yetta G. Samford, Jr., for whom a copy of this resolution of sincere admiration shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Poole, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon,

**1st Day**

Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom then offered the following Senate Joint Resolution, to-wit:

**SJR 25. HONORING DR. WAYNE TEAGUE FOR HIS TWENTY-YEAR SERVICE TO ALABAMA AS STATE SUPERINTENDENT OF EDUCATION.**

WHEREAS, on the occasion of his retirement, it is with highest commendation that the Alabama Legislature recognizes Dr. Wayne Teague for his distinguished career as Alabama State Superintendent of Education; and

WHEREAS, Dr. Teague spent twenty years devoted to the students of Alabama, throughout, remaining firm in his convictions with continuous perseverance in the service of the children; and

WHEREAS, serving with honor and distinction, Dr. Wayne Teague instigated progress in the education system of Alabama with such developments as a system of alternative certification of teachers, the initiation of a new pupil accounting system, the evolution of SDENET, and the implementation of a uniform accounting system; and

WHEREAS, his selfless contributions exerted a profound influence on the State of Alabama, making Dr. Teague a courageous and progressive leader of our time; and

WHEREAS, awarded countless recognitions and honors, the fruitful efforts of Dr. Teague have been acknowledged by such groups as Alabama Council for Exceptional Children, Alabama Reading Association, Phi Kappa Phi, and Kappa Phi Kappa; and

WHEREAS, a native of Cullman, Alabama, Dr. Teague received numerous degrees in education from Auburn University, and has afforded forty years of personal and professional dedication to the paramount responsibility of educating the youth of our country; and

WHEREAS, Dr. Teague and his devoted wife, Josephine Jones Teague, share their dedication to students with their daughter, Karen T. Delano, who is a principal in the Homewood City School System, and have a successful son, Dewey Teague, who is currently excelling in the field of law; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,**

BOTH HOUSES THEREOF CONCURRING, That in tribute to his many accomplishments, and in appreciation of his immeasurable contributions to the children of this state, Dr. Wayne Teague is hereby extended the highest commendation for his devoted service.

BE IT FURTHER RESOLVED, That a copy of this resolution of deepest gratitude be prepared for presentation to Dr. Wayne Teague on the occasion of his retirement.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hill offered the following Senate Joint Resolution, to-wit:

**SJR 26. HONORING THE CENTRAL HIGH SCHOOL COUGARS FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, the Alabama Legislature, in utmost commendation, extends heartiest congratulations to the Central High School Cougars, who are the 1995 State 4A Basketball Champions; and

WHEREAS, ending the season with a spectacular 31-1 record, the Cougars also earned champion status in other prestigious tournaments such as the Coca-Cola Classic, Opelika Invitational, and Marble City Classic; and

WHEREAS, Head Coach Joe Belyeu was selected as "Coach of the Year," with the help of his talented Assistant Coach Billy P. Williams; Managers, James Talton, John Talton, Diedre Caldwell, and Joey Belyeu; Score Keepers, Phillip Gaddis and Cynthia Lee; and Statistician Kim Belyeu; and

WHEREAS, an integral role in achieving this coveted title was the enormous talent of the team players, Marcus Whetstone, Lamarrius Whetstone, Sherra Whetstone (MVP State Tournament, All State Team), Terrance Foster, Yata McElrath, Lapoleon Russell, Terrance Leonard (All Tournament Team), Raphael Gilbert, Adrian Childs, Brandon Porter (All Tournament Team), Antonio Simmons (one invitational all tournament team), Fione Williams, Latarvis Norman, and Adalius Thomas, who was selected as "Player of the Year," All Tournament Team, and All State Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the notable accomplishments of the 1995 4A Basketball Champions,

the Central High School Cougars, and direct that a copy be provided for Coach Joe Belyeu for appropriate presentation and display.

On motion of Senator Hill, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Langford offered the following Senate Joint Resolution, to-wit:

**SJR 27. RECOGNIZING SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION, INC.**

WHEREAS, the Sidney Lanier High School Athletics Foundation has been established to foster closer relationships between the home, school, parents, and friends of Sidney Lanier High School, and the coaching staff; and

WHEREAS, the Sidney Lanier High School Athletics Foundation seeks to provide funds for athletics that will ensure that players have the opportunity to participate in an atmosphere conducive to the winning tradition of Sidney Lanier High School; and

WHEREAS, the Sidney Lanier High School Athletics Foundation seeks to create an attitude in Sidney Lanier student athletes that brings credit to their God, home, school and themselves through a mental and physical program that will help prepare them for their leadership roles of the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse and applaud the actions of the Sidney Lanier High School Athletics Foundation, Inc., and go on record to encourage the citizens of the State of Alabama to support the efforts of the said Foundation so that the winning tradition and excellent reputation Sidney Lanier High School so richly deserves will continue and grow.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display and as a token of tribute and esteem.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.



**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Freeman:

**S. 31.** Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

Committee on Fiscal Responsibility  
and Accountability

By Senator Freeman:

**S. 32.** To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

Committee on Health  
and Human Resources

By Senator Freeman:

**S. 33.** To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation Education

By Senator Freeman (With Notice and Proof):

**S. 34.** Relating to Madison County; providing for an additional expense allowance and for the salary of the coroner.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 34, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith:

**S. 35.** To amend Section 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property, to constitute theft of property in the second or third degree.

Committee on Small Business  
and Rural Development

By Senator Figures:

**S. 36.** To amend Section 32-6-300 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags.

Committee on Finance  
and Taxation Education

By Senator McClain (With Notice and Proof):

**S. 37.** Relating to the City of Fairfield in Jefferson County, Alabama; to validate actions of the city governing body relative to the establishment of the Fairfield Civic Center.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 37, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator McClain:

**S. 38.** To amend Section 36-21-60 and 36-21-61 of the Code of Alabama 1975, relating to the Peace Officers' Annuity and Benefit Fund, to further provide for membership on the board of commissioners, and to provide for definitions.

Committee on Governmental Affairs

By Senator McClain:

**S. 39.** To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

Committee on Judiciary

By Senator McClain:

**S. 40.** To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator McClain:

**S. 41.** To amend Section 41-16-52 of the Code of Alabama 1975, to increase the amount of certain expenditures for repair, repair parts, or lease of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater that may be made without the requirement of competitive bids being taken.

Committee on Fiscal Responsibility  
and Accountability

By Senator McClain:

**S. 42.** To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

Committee on Health  
and Human Resources

By Senator Bailey:

**S. 43.** To amend Section 40-12-262 of the Code of Alabama 1975, to exempt from payment of the temporary trip permit fee and the vehicle registration fee, a vehicle used for trips into and out of this state for the exclusive purpose of warranty repairs at a motor vehicle dealership or at a licensed motor vehicle repair facility in this state under certain conditions.

Committee on Commerce,  
Transportation, and Utilities

By Senator Bailey:

**S. 44.** To designate the Alabama Independent School Association as the official in-state accrediting agency for schools that are members of its association.

Committee on Education

By Senators Bailey, Ghee, Dial, and Clay:

**S. 45.** To establish the John Buskey Minority and Entrepreneurial Business Act of 1995; to promote the development of a pilot program to provide business technical assistance to minorities, entrepreneurs, and small businesses through the services of minority business development representatives located at certain regional planning and development commissions; to make an appropriation to fund the program; and to amend Section 41-23-51, Code of Alabama 1975, to provide further for the membership of the Regional Revolving Loan Fund Committee.

Committee on Small Business  
and Rural Development

By Senator Bailey:

**S. 46.** To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

Committee on Governmental Affairs

By Senator Poole:

**S. 47.** To propose an amendment to the Constitution of Alabama of 1901 so as to limit total appropriations from the Alabama Special Educational Trust Fund and the State General Fund in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide for a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations; and to pro-

vide a procedure for appropriations of revenue-raising measures.

Committee on Fiscal Responsibility  
and Accountability

The above Bill was read a first time at length as required by the Constitution.

By Senators Dial, Dixon, Armistead, Davidson, and Adams:

**S. 48.** To provide certain bonuses for any teacher employed by a local school board who completes or passes the national certification test approved by the National Board for Professional Teaching Standards; to provide for the State Department of Education to establish the process for certification and the distribution of bonus funds; and to appropriate funds.

Committee on Education

By Senator Dial:

**S. 49.** Prohibiting smoking in a public place or at a meeting of a public body, except in a designated smoking area; providing for the preemption of certain other laws, ordinances, and resolutions; and prescribing penalties for violations.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Dial:

**S. 50.** To amend Section 32-6-62 of the Code of Alabama 1975, relating to license plates for private passenger automobiles and pickup trucks, to provide that license plates for private passenger automobiles and pickup trucks would be valid for seven years.

Committee on Fiscal Responsibility  
and Accountability

By Senator Dial:

**S. 51.** To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and reg-

istration fee for certain trucks or truck tractors owned and used by a farmer.

Committee on Fiscal Responsibility  
and Accountability

By Senator Roberts:

**S. 52.** Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

Committee on Judiciary

By Senator Roberts:

**S. 53.** To amend Sections 14-6-1, 14-6-4, 14-6-6, 14-6-92, and 14-6-101, Code of Alabama 1975, which relate to duties of the office of sheriff; to relieve the sheriff of civil liability for the acts of the jailer; to provide further for the receiving into custody of federal prisoners and fugitive prisoners from other jurisdictions, and for the payment to the county for housing those prisoners; to provide further for the transfer of prisoners to county jails, due to inadequate jail facilities in the original jurisdictions of the prisoners; to provide further for requirements regarding maintenance and repair of jails; to provide that nothing in specified existing law shall be construed to provide a cause of action by any prisoner confined in any jail of a city or county; and to provide for the use of funds derived under the provisions of this act.

Committee on Judiciary

By Senators Amari, Butler, and Little:

**S. 54.** To amend Section 36-21-60 and 36-21-61 of the Code of Alabama 1975, relating to the Peace Officers' Annuity and Benefit Fund, to further provide for membership on the board of commissioners, and to provide for definitions.

Committee on Governmental Affairs

By Senator Roberts:

**S. 55.** To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of

a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

Committee on Fiscal Responsibility  
and Accountability

By Senator Langford:

**S. 56.** To amend Sections 41-16-50, 41-16-51, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

Committee on Fiscal Responsibility  
and Accountability

By Senator Langford:

**S. 57.** To amend Section 12-13-20, Code of Alabama 1975, to provide further for compensation for probate judges and provide effective dates.

Committee on Fiscal Responsibility  
and Accountability

By Senator Mitchell:

**S. 58.** To amend Sections 8-14-20, 34-4-6, 34-4-7, 34-4-27, 34-4-30, and 34-4-50 of the Code of Alabama 1975, relating to auctioneers; to provide further for sales at auction; membership on the State Board of Auctioneers; to establish the State Auctioneer's Recovery Fund; to remove the bonding requirement; to provide for penalties; and to specifically repeal Sections 8-14-21 and 34-4-24 of the Code of Alabama 1975.

Committee on Governmental Affairs

By Senator Mitchell:

**S. 59.** To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

Committee on Governmental Affairs

By Senator Poole:

**S. 60.** To provide for the taking of a deposition or a videotaped deposition of a victim or a witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons or other exceptional circumstances; to provide for the use of the depositions; to authorize rules by the Alabama Supreme Court; and to specifically repeal Sections 12-21-260, 12-21-261, and 12-21-262 of the Code of Alabama 1975.

Committee on Judiciary

By Senator Mitchell:

**S. 61.** To amend Sections 34-27-2 and 34-27-30, Code of Alabama 1975, to further provide license requirements for property management of real estate.

Committee on Governmental Affairs

By Senator Freeman:

**S. 62.** To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; and to provide for the appropriation of funds to the board.

Committee on Governmental Affairs

By Senator Freeman:

**S. 63.** To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

Committee on Economic  
Expansion and Trade

By Senator Poole:

**S. 64.** To further provide for the registration of convicted felons and certain convicted sex offenders in the office of the sheriff; to provide for the promulgation of a uniform system of registration and the storage of information on convicted felons and convicted sex offenders by the Alabama Criminal Justice Information Center; to provide for the establish-



ment of procedures by the Board of Pardons and Paroles for notification to the sheriff and district attorney of a county when a convicted felon or convicted sex offender who is required to register and who is under the supervision of the board resides in the county; and to provide that the registration information on convicted felons and sex offenders maintained by the sheriff would be a public record.

Committee on Judiciary

By Senator Poole:

**S. 65.** To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

Committee on Judiciary

By Senators Poole, Butler, and Dixon:

**S. 66.** To propose an amendment to the Constitution of Alabama of 1901, as amended, authorizing legislative and executive review of certain State Supreme Court decisions.

Committee on Judiciary

The above Bill was read a first time at length as required by the Constitution.

By Senators Poole, Amari, and Waggoner:

**S. 67.** To amend Section 15-3-1 of the Code of Alabama 1975, relating to prosecution of felonies, not specified in Sections 15-3-3 and 15-3-5 of the Code of Alabama 1975, would commence in five years and the prosecution for perjury would commence in 10 years.

Committee on Judiciary

By Senators Amari, Hale, Smith, Butler, and Little:

**S. 68.** To provide for the offense of filing a false official complaint against a law enforcement officer; to provide penalties; and to provide that any civil remedy or right which a law enforcement officer may

have against a person filing a false official complaint would be preserved.

Committee on Judiciary

By Senators Amari, Hale, Adams, Butler, and Little:

**S. 69.** To authorize the Department of Corrections to design and install high voltage electrified security fence systems at existing prisons and at any proposed medium and maximum security prison facilities.

Committee on Judiciary

By Senator Bailey:

**S. 70.** To amend Section 16-5-4 of the Code of Alabama of 1975, relating to the appointment, confirmation, and reconfirmation process of the Executive Director of the Alabama Commission on Higher Education, to delete the requirement that the executive director be reconfirmed every four years by the Alabama Senate.

Committee on Education

By Senator Bailey:

**S. 71.** To amend Section 36-27-52, Code of Alabama 1975, to provide an exception to mandatory participation in the Employees' Retirement System for those court reporters previously employed on a certain date, who did not elect to be covered by the Employees' Retirement System and who, after a lapse in service, were reemployed as an official court reporter.

Committee on Fiscal Responsibility  
and Accountability

By Senator Bailey:

**S. 72.** Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

Committee on Fiscal Responsibility  
and Accountability

By Senators Amari, Armistead, Lipscomb, Smith, Adams, Davidson, Hale, Hill, and Mitchell:

**S. 73.** To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

Committee on Judiciary

By Senators Amari, Hale, Armistead, Butler, and Little:

**S. 74.** To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

Committee on Business and Labor

By Senators Dial and Davidson:

**S. 75.** Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

Committee on Commerce,  
Transportation, and Utilities

By Senators Bedford and Windom:

**S. 76.** To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

Committee on Health  
and Human Resources

By Senators Bedford and Smitherman:

**S. 77.** To amend Section 12-16-9 of the Code of Alabama

1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

Committee on Judiciary

By Senator Hale:

**S. 78.** To amend Section 17-16-1 of the Code of Alabama 1975, relating to primary elections; to provide for an open primary; to permit the election of candidates without regard to the party affiliation of the candidate or the voter; and to provide for run-off elections.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Hale:

**S. 79.** To amend Section 34-24-292, Code of Alabama 1975, relating to assistants to physicians, to remove the restrictions on certain specified services that an assistant to a physician supervised by an ophthalmologist can perform in the office of the ophthalmologist.

Committee on Health  
and Human Resources

By Senators Hale, Dixon, Dial, Little, Waggoner, Smith, Adams, Biddle, Armistead, Davidson, and Butler:

**S. 80.** To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

Committee on Judiciary

By Senator Hale:

**S. 81.** To amend Section 36-6-5, Code of Alabama 1975, to provide for increases in the salaries of classified and unclassified employees in the state pay plan.

Committee on Fiscal Responsibility  
and Accountability

By Senator Hale:

**S. 82.** To amend Section 32-5A-193, Code of Alabama 1975,

to make it a felony to flee or attempt to elude a police officer.

Committee on Commerce,  
Transportation, and Utilities

By Senator Poole:

**S. 83.** Proposing an amendment to Section 126 of the Constitution of Alabama of 1901, to expand the Governor's item veto power to allow item veto of any appropriation bill embracing distinct items after final adjournment of the Legislature and to further define the Governor's item veto power.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Figures:

**S. 84.** To amend Sections 24-8-3, 24-8-5, 24-8-7, 24-8-8, 24-8-10, and 24-8-12, Code of Alabama 1975, relating to the Alabama Fair Housing Law, to provide further for fair housing.

Committee on Judiciary

By Senator Mitchell:

**S. 85.** To provide further for the purchase of service credit by members of the Teachers' Retirement System.

Committee on Fiscal Responsibility  
and Accountability

By Senator Figures:

**S. 86.** Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions to candidates for certain public offices; and to prescribe penalties for violations.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

**1st Day**

By Senator Freeman:

**S. 87.** To reopen the Teachers' Retirement System of Alabama to allow active and contributing members of the system to purchase certain prior service credit for employment in a certain umbrella school of a city school system which was financed by the parents of the pupils attending the school; to provide for payment for the credit; and provide for a termination.

Committee on Fiscal Responsibility  
and Accountability

By Senator Mitchem:

**S. 88.** To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard were located in its corporate limits.

Committee on Governmental Affairs

By Senators Mitchem, Barron, Langford, Poole, Dial, Bedford, Windom,  
and Waggoner:

**S. 89.** To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

Committee on Finance  
and Taxation General Fund

By Senator Sanders:

**S. 90.** To provide for the "Alabama Science in Motion Act of 1995"; to make legislative findings and statements of legislative intent; to assign responsibilities to the State Board of Education and to the State Superintendent of Education for its implementation; to make an appropriation of \$1,492,000 from the Alabama Special Educational Trust Fund to the Education Technology Fund for 1994-95 and 1995-96 fiscal years; and to appropriate any unencumbered funds remaining from the appropriation made in Act No. 94-693 and remaining from this Act after the required expenditures are made.

Committee on Finance  
and Taxation Education

By Senator Figures:

**S. 91.** To establish the Parental-Adult Firearms Responsibil-

**1st Day**

ity Act to further regulate the sale, possession, control, and use of firearms; to define and provide punishment for the felony crimes of criminal storage of a firearm in the first and second degrees when under certain circumstances a child obtains access to a firearm and causes injury or death, respectively; and to provide that this act is supplemental to any law relating to the sale, possession, control, and use of firearms.

Committee on Judiciary

By Senators Mitchell, Clay, McClain, Ghee, Barron, Roberts, Mitchem, Davidson, Dial, Smith, Waggoner, Little, Biddle, Butler, Dixon, Adams, Armistead, Hale, Bedford, Windom, Denton, Hill, and Bailey:

**S. 92.** Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

Committee on Judiciary

By Senators Bedford and Dial:

**S. 93.** To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required clean-up, and closure of unauthorized dumps by innocent, responsible land owners; to authorize fees for disposal or incineration of solid waste within the state; to establish minimum standards for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Committee on Conservation, Environment,  
and Natural Resources

**1st Day**

By Senator Bedford:

**S. 94.** To amend Sections 11-52-72, 11-52-73, and 11-52-75 of the Code of Alabama 1975, relating to the zoning power of municipalities, to allow certain single-family manufactured homes to be placed in a district zoned for single-family residences subject to land use regulations applicable to all other single-family residences on individual lots in the district.

Committee on Governmental Affairs

By Senator Bedford:

**S. 95.** To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

Committee on Judiciary

By Senator Mitchem:

**S. 96.** Regulating the discharge of sewage and litter from certain vessels and boats; specifying that the Department of Environmental Management is the responsible agency; regulating sanitation facilities at marinas; levying certain fees and providing for distributions; establishing a Boat and Marina Advisory Committee and a Boat and Marina Fund, and specifying their functions; providing certain civil immunity to members of the advisory committee; authorizing the filing of certain civil actions and specifying certain criminal penalties and certain fines; repealing certain conflicting laws; and specifying a prospective effective date.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Mitchem:

**S. 97.** To amend Section 11-54-80 of the Code of Alabama 1975, providing for the organization of industrial development boards by municipalities for the purpose of financing industrial and commercial development projects, to further provide for the definition of project to include commercial enterprises engaged in selling, servicing, providing, or handling policies of insurance or financial services.

Committee on Industrial Development  
and Recruitment



By Senator Mitchem:

**S. 98.** To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

Committee on Fiscal Responsibility  
and Accountability

By Senators Bedford, Hale, and Steele:

**S. 99.** To amend Section 36-22-16, Code of Alabama 1975, relating to the minimum compensation to be paid to sheriffs; to provide for an increase in that compensation, and to provide an expense allowance under certain circumstances.

Committee on Economic  
Expansion and Trade

By Senator Mitchem:

**S. 100.** To amend Section 41-9-340, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, to provide that three members be appointed from Mobile County, one member from Baldwin County, and two members from each of the seven congressional districts as they exist on the effective date of this act.

Committee on Governmental Affairs

By Senator Mitchem:

**S. 101.** Relating to health insurance; to authorize the local unit participants in the Employees' Retirement System to extend health insurance coverage to certain retirees, designated beneficiaries, and surviving spouses receiving benefits from the Employees' Retirement System; to authorize the local units to participate in a health insurance plan developed by the State Employees' Insurance Board or the Alabama Retired State Employees' Association and to authorize payment by the local units for the costs of the health insurance.

Committee on Fiscal Responsibility  
and Accountability

By Senator Mitchem:

**S. 102.** To provide for funding and payment of certain

cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local public and quasi-public hospital corporations participating in the Employees' Retirement System.

Committee on Fiscal Responsibility  
and Accountability

By Senator Windom:

**S. 103.** To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an initiative or referendum subject to the same limitations imposed on the Legislature with certain exceptions.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Windom:

**S. 104.** To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an indirect initiative referendum subject to the same limitations imposed on the Legislature.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Hale:

**S. 105.** To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

Committee on Finance  
and Taxation General Fund

By Senator Hale:

**S. 106.** To authorize a retiree receiving a retirement allowance

or optional benefit from the Employees' Retirement System of Alabama (ERS) to accept employment for compensation with the state, a county, an incorporated municipality, or a state, county, or municipal department or agency without having his or her retirement allowance or optional benefit suspended during the period of employment under certain conditions; to authorize a retiree receiving a retirement allowance or optional benefit from ERS who is elected by the public or appointed to serve for compensation in a public office with the state, a county, or an incorporated municipality, which is an office not covered by ERS, to serve in the public office without having to suspend his or her retirement allowance or optional benefit; to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving the retirement allowance or optional benefit, waived his or her salary as an elected or appointed official pursuant to the provisions of Section 36-6-10, Code of Alabama 1975, on or after October 24, 1994, and continued service in the elective or appointive office without compensation, to apply for and be reimbursed the total amount of the waived compensation and to have his or her salary restored to its level prior to the waiver; and to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving compensation for services as an elected or appointed official of the state, a county, or an incorporated municipality, suspended his or her retirement allowance or optional benefit on or after October 24, 1994, to apply for and be reimbursed the total amount of the suspended retirement allowance or optional benefit.

Committee on Fiscal Responsibility  
and Accountability

By Senator Escott-Russell:

**S. 107.** To authorize the incorporation in any municipality in the State of Alabama of an Urban Redevelopment Authority; to authorize an Urban Redevelopment Authority to designate and define the areas of the redevelopment districts; to provide for the election and compensation of directors of any authority; to provide for the powers and duties of the authority, its board of directors, and its officers; to authorize the authority to acquire all real and personal properties, provided that the property shall be located wholly within the urban redevelopment districts as defined; to authorize any authority to lease properties to others and grant options to any lessee; to provide for the issuance by any authority of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of its properties; to provide that in certain circumstances the securities shall constitute nego-

**1st Day**

liable instruments; to provide that the securities may be secured by a pledge of the revenues and receipts from which they are payable; to authorize the authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate, or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state, or local government or allow them to use facilities or services of the authority; to make loans to persons or entities for the costs of a project on the security; to provide for the employment by any authority of any personnel as its business may require; to require the authority to be insured; to require payments in lieu of taxes to be for the authority's purposes; to provide for the investment of funds of any authority; to provide for the use of the proceeds of any securities issued by any authority; to provide for the refunding, by the issuance of securities of any authority, of securities theretofore issued by it; to provide that the securities issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to make the securities issued by the authority eligible investments for various governmental bodies and fiduciaries; to provide that any authority may publish a notice of the adoption of a resolution authorizing the issuance of bonds by the authority, and to provide that any action or proceeding questioning the validity of the bonds, or any pledge, mortgage, and deed of trust or trust indenture securing the bonds, or the proceedings authorizing the bonds, would be commenced within 30 days after the first publication of the notice; to exempt the income of any authority, and all conveyances, leases, mortgages, and deeds of trust to which any authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every authority from all license and excise taxes in which an authority may engage and to exempt the authority from payment of certain charges to judges of probate; to exempt every authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any authority; to provide for the dissolution of any authority and the disposition of its property; to limit to one the number of authorities which may exist in any municipality at any one time; to give the authority the power of eminent domain; to authorize political subdivisions, agencies, instrumentalities, and public corporations of the state to aid the authority without any public election; to require the treasurer to obtain a fidelity bond; to require compliance with the competitive bid law with respect to any projects receiving public funds; to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to provide that the provisions of this act are cumulative

and severable; and to provide for an effective date.

Committee on Economic  
Expansion and Trade

By Senator Escott-Russell:

**S. 108.** To provide tax exemptions for certain nonprofit corporations; to authorize leases of public property to, and appropriations of public funds for, those nonprofit corporations; and to provide for certification of eligibility of nonprofit corporations by the Department of Revenue.

Committee on Fiscal Responsibility  
and Accountability

By Senator Bedford:

**S. 109.** To amend Sections 36-21-44, 36-21-45, and 36-21-46 of the Code of Alabama 1975, relating to the Peace Officers' Standards and Training Commission, to provide further for the powers, duties, functions, and allowances of the commission; and to provide further for the minimum standards of law enforcement officers.

Committee on Governmental Affairs

By Senators Lindsey and Freeman:

**S. 110.** To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

Committee on Economic  
Expansion and Trade

By Senator Lindsey:

**S. 111.** Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of

distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

Committee on Governmental Affairs

By Senator Escott-Russell:

**S. 112.** To amend Section 11-99-6, Code of Alabama 1975, to authorize the pledge of the increase in other revenue and fees, in addition to property taxes, resulting from development in a tax increment district.

Committee on Governmental Affairs

By Senator Lindsey:

**S. 113.** To establish the "Prevention of Youth Access to Tobacco Act of 1995"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975, relating to selling cigarettes to minors.

Committee on Education

By Senator Lindsey:

**S. 114.** To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

Committee on Health  
and Human Resources

By Senator Lindsey:

**S. 115.** To amend Section 40-20-4, Code of Alabama 1975, relating to oil and gas production and severance tax, to repeal the rulemaking authority of the Department of Revenue.

Committee on Governmental Affairs

By Senator Bailey:

**S. 116.** To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

Committee on Judiciary

By Senators Sanders, Dial, Dixon, Bailey, Clay, Smitherman, Steele, Hill, McClain, and Escott-Russell:

**S. 117.** To amend Section 1-3-4, Code of Alabama 1975, to change the date of the fiscal year, and to provide for the implementation of the new fiscal year period.

Committee on Finance  
and Taxation Education

By Senator Lindsey:

**S. 118.** To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

Committee on Judiciary

By Senators Lipscomb, Armistead, Adams, Butler, Bailey, Clay, Dial, Hill, Steele, Davidson, Hale, Denton, Waggoner, and Smith:

**S. 119.** Permitting local boards of education to allow or encourage, or both, the reading or posting of certain historical and public documents in public schools and at school events; prohibiting certain content-based censorship; and requiring local boards to be notified.

Committee on Education

By Senators Lindsey, Armistead, Dial, Little, Dixon, Hale, Waggoner, and Mitchell:

**S. 120.** To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Lindsey:

**S. 121.** Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing



the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Bailey:

**S. 122.** To require each local school board to establish a written reduction-in-force policy.

Committee on Education

By Senator Lindsey:

**S. 123.** To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 to 11-50-241, inclusive, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 to 10-4-194, inclusive, Sections 11-88-1 to 11-88-21, inclusive, Sections 11-88-40 to 11-88-111, inclusive, or Sections 11-89-1 to 11-89-19, inclusive, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 to 11-50-241, inclusive, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Committee on Governmental Affairs

By Senator Butler (With Notice and Proof):

**S. 124.** Relating to Madison County; to exempt the Monrovia

**1st Day**

Parks and Recreation Association from the payment of all county and municipal sales and use taxes.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 124, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bailey:

**S. 125.** To provide for a waiting period prior to the issuance of a final judgment of divorce; to provide for temporary orders prior to the expiration of the waiting period; and to provide a prospective effective date.

Committee on Judiciary

By Senators Lipscomb, Armistead, Adams, Butler, Dial, Davidson, Steele, and Denton:

**S. 126.** To amend Section 17-22A-18, Code of Alabama 1975, to prohibit a political committee from transferring any contribution to any other political committee.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senators Lipscomb, Armistead, Adams, Bailey, Dial, Hill, Davidson, Hale, Denton, Waggoner, and Smith:

**S. 127.** Amending Section 126 of the Constitution of Alabama of 1901, relating to the power of the Governor to approve or disapprove items of an appropriation bill, specifying that if an appropriation bill is presented to the Governor within five days before final adjournment of the Legislature, the Governor may, within 10 days after final adjournment, approve, reduce, or disapprove any item or items of the appropriation bill, and the parts approved or reduced are the law and the parts disapproved are void; specifying the procedure; and specifying that these powers are in addition to certain other powers of the Governor.

Committee on Fiscal Responsibility  
and Accountability

The above Bill was read a first time at length as required by the Constitution.

By Senator Butler:

**S. 128.** To amend Section 14-3-3, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financial responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

Committee on Judiciary

By Senator Windom:

**S. 129.** To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

Committee on Governmental Affairs

By Senator Windom:

**S. 130.** To amend Section 34-14A-6, Code of Alabama 1975, relating to licenses, exemptions, and fees for certain persons engaged in residential home building; and to further provide for the exemption of certain persons licensed as a general contractor under certain conditions.

Committee on Governmental Affairs

By Senator Windom:

**S. 131.** To amend Section 34-27A-9 of the Code of Alabama

1975, relating to classes of real estate appraisers, to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 from taking a written examination for licensure renewal and reclassification of their licenses.

Committee on Governmental Affairs

By Senators Windom and Waggoner:

**S. 132.** To establish the Alabama Clean Indoor Air Act; to prohibit smoking in certain public places; and to provide penalties for violations.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Windom:

**S. 133.** To amend Section 28-3-11, Code of Alabama 1975, relating to the export of alcoholic beverages to another state to specifically exempt alcoholic beverages purchased from the Alcoholic Beverage Control Board for export to another country from taxes collected by the board.

Committee on Finance  
and Taxation General Fund

By Senator Windom:

**S. 134.** To propose an amendment to the Constitution of Alabama of 1901, relating to Mobile County, limiting the police jurisdiction and the planning and zoning authority of municipalities in the county.

Committee on Economic  
Expansion and Trade

The above Bill was read a first time at length as required by the Constitution.

By Senator Barron:

**S. 135.** To repeal Act 93-926, 1993 First Special Session, relating to the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

Committee on Economic  
Expansion and Trade

By Senator Barron:

**S. 136.** To repeal Section 22-30B-19, Code of Alabama 1975, relating to the creation of the Alabama Legacy for Environmental Research Trust.

Committee on Economic  
Expansion and Trade

By Senators Windom, Bailey, Mitchell, Roberts, Little, McClain, Dixon, Waggoner, Smith, Dial, and Armistead:

**S. 137.** To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

Committee on Judiciary

By Senator Windom:

**S. 138.** Relating to licenses issued by the Home Builders Licensure Board for certain persons engaged in residential home building; to further provide for the period to qualify for an exemption from examination for certain persons engaged in home building under certain conditions.

Committee on Governmental Affairs

By Senator Barron:

**S. 139.** To make an appropriation of \$255,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 140.** To make an appropriation of \$15,810 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

**1st Day**

By Senator Barron:

**S. 141.** To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 142.** To make an appropriation of \$247,854 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 143.** To make an appropriation of \$36,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 144.** To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 145.** To make an appropriation from the State General Fund in an amount sufficient to pay the net interest due the federal government as computed in accordance with the provisions of the Cash Management Im-

provement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

Committee on Fiscal Responsibility  
and Accountability

By Senator Barron:

**S. 146.** To amend Section 4 of Act No. 93-133, H. 285, 1993 Regular Session in order to continue the circuit and district court fee increases established by Act No. 92-227, H. 605, 1992 Regular Session.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 147.** To amend Section 40-13-6, Code of Alabama 1975, to provide for the disbursement of proceeds from certain coal severance taxes to the State General Fund.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 148.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation General Fund

By Senator Sanders:

**S. 149.** To amend Section 28-3-190, Code of Alabama 1975, to make technical corrections to the Local Beer Tax distribution such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

Committee on Finance  
and Taxation Education

By Senator Barron:

**S. 150.** To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$6,600,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,980,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; and to provide for an effective date.

Committee on Fiscal Responsibility  
and Accountability

By Senator Barron:

**S. 151.** To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 152.** To make an appropriation of \$36,125 from the State



General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 153.** To make an appropriation of \$59,288 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 154.** To make an appropriation of \$52,575 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 155.** To make an appropriation of \$297,223 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 156.** To make an appropriation of \$642,908 from the State General Fund to the Child Advocacy Centers for the fiscal year ending

September 30, 1996, and requires operations plans and audited financial statements prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Barron:

**S. 157.** To make an appropriation of \$117,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation General Fund

By Senator Sanders:

**S. 158.** To make an appropriation of \$106,250 from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 159.** To make an appropriation of \$1,382,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 160.** To make an appropriation of \$24,440 from the Alabama Special Educational Trust Fund to three YMCA programs and one Boys and Girls Club program for the fiscal year ending September 30,

1996, and requires an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 161.** To make an appropriation of \$17,681 from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 162.** To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary for them to provide an education that is equitable according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-30, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-76, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

Committee on Finance  
and Taxation Education

By Senator Biddle:

**S. 163.** To amend Section 12-17-184, Code of Alabama 1975,

relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

Committee on Health  
and Human Resources

By Senator Sanders:

**S. 164.** To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 165.** To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 166.** To make an appropriation to the Department of Public Health in the amount of \$9,971,144 from the Alabama Special Educational Trust fund for the fiscal year ending September 30, 1996, for educational purposes.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 167.** To make an appropriation to the Department of Public Health in the amount of \$4,180,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 168.** To make an appropriation of \$251,317 from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 169.** To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 170.** To make an appropriation of \$381,534 from the Alabama Special Educational Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1996, for educational purposes.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 171.** To make an appropriation of \$1,804,678 from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending Sep-

**1st Day**

tember 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 172.** To make an appropriation of \$27,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 173.** To make an appropriation of \$94,846 from the Alabama Special Educational Trust Fund for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 174.** To make an appropriation of \$196,192 from the Alabama Special Educational Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 175.** To make an appropriation of \$420,414 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 176.** To make an appropriation of \$352,000 from the Alabama Special Educational Trust Fund to Miles College for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 177.** To make an appropriation of \$397,228 from the Alabama Special Educational Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 178.** To make an appropriation of \$3,775,200 from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 179.** To make an appropriation of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1996 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 180.** To make an appropriation of \$343,804 from the Alabama Special Educational Trust Fund for the support and maintenance of

**1st Day**

Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 181.** To make an appropriation of \$35,250 from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 182.** To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 183.** To make an appropriation of \$700,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education



By Senator Sanders:

**S. 184.** To make an appropriation of \$482,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 185.** To make an appropriation of \$26,250 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 186.** To make an appropriation of \$543,253 from the Alabama Special Educational Trust Fund to the Project DARE and the DON'T-Madison County drug education programs for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 187.** To make an appropriation of \$885,145 from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 188.** To make an appropriation of \$100,000 from the Ala-

bama Special Educational Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Sanders:

**S. 189.** To make an appropriation of \$307,615 from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Biddle:

**S. 190.** To amend Section 13A-11-75, Code of Alabama 1975, relating to the issuance of pistol permits by the sheriff of the county; to provide further for the application forms, duplicated licenses, and the amount of issuance fees; and to authorize the sheriff to perform all acts necessary to comply with federal firearm statutes and regulations.

Committee on Health  
and Human Resources

By Senator Ghee:

**S. 191.** Relating to elections; to provide for an early voting period prior to the date of the actual election in addition to absentee voting; to amend Section 17-4-120 of the Code of Alabama 1975, to provide further for certain voter registration deadlines; and to amend Section 17-10-5 of the Code of Alabama 1975, to provide further for the prevention of double voting in an election.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Ghee:

**S. 192.** To amend Section 28-3A-4 of the Code of Alabama 1975, relating to the Alcoholic Beverage Control Board and certain licenses to sell alcoholic beverages; to require a licensee who sells alcoholic bever-

**1st Day**

ages for on-premises consumption to secure and maintain liability insurance.

Committee on Judiciary

By Senators Escott-Russell and Smitherman:

**S. 193.** To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class 1 or Class 2 municipality for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine, or liquor of any kind or variety, without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the circuit court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval and for the assessment of attorney fees.

Committee on Governmental Affairs

By Senators Windom and Bedford:

**S. 194.** To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

Committee on Judiciary

By Senator Windom:

**S. 195.** Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

Committee on Judiciary

By Senators Escott-Russell and Smitherman:

**S. 196.** To exempt Birmingham Summerfest, Incorporated, from all state, county, and municipal income, license, and sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senators Escott-Russell and Smitherman:

**S. 197.** To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Escott-Russell:

**S. 198.** To exempt the Birmingham Broadway Series from the payment of all state, county, and municipal sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Ghee:

**S. 199.** To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a lay-off, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service.

Committee on Governmental Affairs

By Senator Ghee:

**S. 200.** To amend Section 30-1-9 of the Code of Alabama 1975 relating to marriage licenses, to prohibit common-law marriages.

Committee on Judiciary

By Senators Ghee and Little:

**S. 201.** Providing for absentee ballots to be mailed to physically incapacitated absentee voters before an election.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Ghee:

**S. 202.** To amend Sections 17-7-1, 17-8-2.1, and 17-16-40,

Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Ghee:

**S. 203.** To amend Section 37-1-3, Code of Alabama 1975, relating to the election of Public Service Commissioners, to limit their terms.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Ghee:

**S. 204.** Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions concerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

Committee on Judiciary

By Senator Hale:

**S. 205.** To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

Committee on Small Business  
and Rural Development

By Senator Ghee:

**S. 206.** To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

Committee on Conservation, Environment,  
and Natural Resources

**1st Day**

By Senator Bedford:

**S. 207.** To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

Committee on Fiscal Responsibility  
and Accountability

By Senator Bedford:

**S. 208.** To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

Committee on Governmental Affairs

By Senators Clay, Smitherman, Steele, Dial, Bailey, Lipscomb, McClain, and Barron:

**S. 209.** To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

Committee on Banking  
and Insurance

**1st Day**

By Senator Hale:

**S. 210.** Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

Committee on Judiciary

By Senator Butler:

**S. 211.** To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

Committee on Governmental Affairs

By Senator Butler:

**S. 212.** To establish the Alabama Small Business Research Development Program within the Alabama Department of Economics and Community Affairs and to make an appropriation to the program.

Committee on Small Business  
and Rural Development

By Senator Waggoner:

**S. 213.** To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University.

Committee on Judiciary

By Senator Waggoner:

**S. 214.** Providing for distinctive motor vehicle license tags or plates for supporters of the United States Olympic Committee and the Alabama Sports Foundation to commemorate the 1996 Olympic Games; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; providing for an expiration date for the manufac-

ture of the tags or plates; and providing for a delayed effective date.

Committee on Governmental Affairs

By Senator Langford:

**S. 215.** To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

Committee on Veterans and  
Military Affairs

By Senators Waggoner, Dial, Little, Dixon, Adams, and Davidson:

**S. 216.** To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received and to prescribe penalties for failure to file the statements.

Committee on Judiciary

By Senators Waggoner, Hale, Dial, Little, Dixon, Adams, and Davidson:

**S. 217.** Proposing an amendment to the Constitution of Alabama of 1901, to phase-out the current supernumerary program for county officials.

Committee on Fiscal Responsibility  
and Accountability

The above Bill was read a first time at length as required by the Constitution.

By Senator Waggoner:

**S. 218.** To exempt the Assistance League of Birmingham from the payment of all state, county, and municipal sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Waggoner:

**S. 219.** To exempt all property owned and used by the Greater



Birmingham Humane Society and all property owned and used by the Birmingham PATH Program from any state, county, and local ad valorem taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senators Windom, Bedford, and Dixon:

**S. 220.** To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 221.** To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

Committee on Governmental Affairs

By Senator Windom:

**S. 222.** To provide for mandatory premium reductions for motor vehicle insurance for persons 55 years of age or older for completion of accident prevention courses under certain conditions.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 223.** Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations; providing for an assigned risk plan for persons

classified as high risks; providing for an effective date; and providing for certain exceptions.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 224.** To provide for certain essential property insurance coverage in certain areas of the state and to authorize the State Department of Insurance to regulate the essential property insurance business.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 225.** To amend Section 5-21-11, Code of Alabama 1975, relating to the plan for linked deposits, to continue the termination date of the plan until September 30, 1999.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 226.** To regulate the insurance industry and to establish the crime of fraudulent insurance practices; to provide for unfair practices relating to advertising, certain solicitations, endorsements, and the use of other inducements by the insurance industry; to require truthful advertising and certain disclosure of benefits, sponsorship, and other pertinent information for the policyholder or applicant; to provide for misdemeanor criminal penalties; and to construe this act with insurance laws regulating rebates and special inducements.

Committee on Judiciary

By Senators Dixon, Butler, and Sanders:

**S. 227.** Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

Committee on Governmental Affairs

By Senator Dixon:

**S. 228.** To provide that the crime of assaulting a state employee or judge by an inmate would be a Class A felony punishable as provided by law.

Committee on Judiciary

By Senator Dixon:

**S. 229.** To amend Sections 5-19-15 and 6-10-7 of the Code of Alabama 1975, relating to garnishment, to provide further for the percent of the disposable earnings of a debtor which may be subject to garnishment.

Committee on Judiciary

By Senator Dixon:

**S. 230.** To provide for the designation of obstetrician- gynecologists as eligible primary care physicians for every health maintenance organization, nonprofit hospital service plan or contract, managed health care provider, disability or health care contract, plan, or policy, issued, renewed, or delivered in this state.

Committee on Health  
and Human Resources

By Senators Dixon, Dial, Hale, Little, Waggoner, Adams, Smith, and Armistead:

**S. 231.** To amend Section 12-11-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit court, and Section 12-12-32 of the Code of Alabama 1975, relating to the criminal jurisdiction of the district court; and Section 12-12-70 of the Code of Alabama 1975, relating to the right of appeal, to provide that the district court would be allowed to try felony cases which are not punishable by death to provide that the acceptance of a guilty plea by a district court would be subject to the approval of the circuit court in the judicial circuit where the plea was accepted, and to further provide that in cases where the district court exercises concurrent jurisdiction the appeal would be to the appropriate appellate court.

Committee on Judiciary

By Senator Dixon:

**S. 232.** To allow state employees who have received appropri-

**1st Day**

ate training and who volunteer for American Red Cross operations paid leave.

Committee on Governmental Affairs

By Senator Dixon:

**S. 233.** To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to provide that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

Committee on Judiciary

By Senator Dixon:

**S. 234.** To amend Section 32-6-301 of the Code of Alabama 1975, relating to the use of net proceeds derived from the sale of "Helping Schools" tags; and to provide that the purchaser of "Helping Schools" tags may designate the school to receive the funds.

Committee on Education

By Senator Dixon:

**S. 235.** To provide that any law enforcement officer who has probable cause to believe that an assault has been committed may charge and arrest the person believed to have committed the offense, including any case where the victim does not sign a complaint; and to provide that any prosecuting official may prosecute the person to the extent provided by law.

Committee on Judiciary

By Senators Dixon, Dial, Little, Hale, Waggoner, Adams, Amari, and Armistead:

**S. 236.** To create the District Attorney Employee Budget Fund in the State Treasury for the deposit of state appropriations paid to the district attorneys and to provide a formula for the allocation of state funds from the District Attorney Employee Budget Fund.

Committee on Finance  
and Taxation General Fund

By Senator Windom:

**S. 237.** Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 3 and provide for a new Article 3 regarding Negotiable Instruments and to provide for all of the following: short title, subject matter, definitions, negotiable instrument, issue of instrument, unconditional promise or order, instrument payable in foreign money, payable on demand or at definite time, payable to bearer or to order, identification of person to whom instrument is payable, place of payment, interest, date of instrument, contradictory terms of instrument, incomplete instrument, joint and several liability and contribution, other agreements affecting instrument, statute of limitations, notice of right to defend action, negotiation, negotiation subject to rescission, transfer of instrument and rights acquired by transfer, indorsement, special indorsement, blank indorsement, anomalous indorsement, restrictive indorsement, reacquisition, person entitled to enforce instrument, holder in due course, value and consideration, overdue instrument, defenses and claims in recoupment, claims to an instrument, notice of breach of fiduciary duty, proof of signatures and status as holder in due course, enforcement of lost, destroyed, or stolen instrument, effect of instrument on obligation for which taken, accord and satisfaction by use of instrument, lost, destroyed, or stolen cashier's check, teller's check, or certified check, signature, signature by representative, unauthorized signature, imposters and fictitious payees, employer's responsibility for fraudulent indorsement by employee, negligence contributing to forged signature or alteration of instrument, alteration, drawee's liability on unaccepted draft, acceptance of draft and certified check, acceptance varying draft, refusal to pay cashier's checks, teller's checks, and certified checks, obligation of issuer of note or cashier's check, obligation of acceptor, obligation of drawer, obligation of indorser, transfer warranties, presentment warranties, payment or acceptance by mistake, instruments signed for accommodation, conversion of instrument, presentment, dishonor, notice of dishonor, excused presentment and notice of dishonor, evidence of dishonor, discharge and effect of discharge, payment, tender of payment, discharge by cancellation or renunciation, discharge of indorsers and accommodation parties; also relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code, to repeal the current Article 4 and provide for a new Article 4 regarding Bank Deposits and Collections and to provide for all of the following: short title, applicability, variation by agreement, measure of damages, action constituting ordinary care, definitions and index of definitions, bank, depository bank, payor bank, intermediary bank, collecting bank, presenting bank, payable through or payable at bank, collecting bank, separate office of bank, time of receipt of items, delays, electronic presentment, statute of limitations, status of collecting bank as agent and provisional status of credits, applicability of article, item indorsed pay any bank, responsibility for collection or return,

when action timely, effect of instructions, methods of sending and presenting, sending directly to payor bank, depository bank holder of unindorsed item, transfer between banks, transfer warranties, presentment warranties, encoding and retention warranties, security interest of collecting bank in items, accompanying documents and proceeds, when bank gives value for purposes of holder in due course, presentment by notice of item not payable by, through, or at bank, liability of drawer or indorser, medium and time of settlement by bank, right of charge-back or refund, liability of collecting bank, return of item, final payment of item by payor bank, when provisional debits and credits become final, when certain credits become available for withdrawal, insolvency and preference, deferred posting, recovery of payment by return of items, time of dishonor, return of items by payor bank, payor bank's responsibility for late return of item, when items subject to notice, stop-payment order, legal process, setoff, order in which items may be charged or certified, when bank may charge customer's account, bank's liability to customer for wrongful dishonor, time of determining insufficiency of account, customer's right to stop payment, burden of proof of loss, bank not obliged to pay check more than six months old, death or incompetence of customer, customer's duty to discover and report unauthorized signature or alteration, payor bank's right to subrogation on improper payment, handling of documentary drafts, duty to send for presentment and to notify customer of dishonor, presentment of on arrival drafts, responsibility of presenting bank for documents and goods, report of reasons for dishonor, referee in case of need, privilege of presenting bank to deal with goods, and security interest for expenses; to repeal Section 5-5A-34 of the Code of Alabama 1975, regarding payment of postdated checks; to amend Section 5-19-5 of the Code of Alabama 1975, relating to the acceptance of certain negotiable instruments as evidence of consumer debt to alter the types of instruments that may be accepted; to amend Section 6-2-2 of the Code of Alabama 1975, regarding the applicability of the chapter concerning limitations of actions to specify the chapter shall not apply to certain negotiable instruments; to amend Section 7-1-201 of the Code of Alabama 1975, relating to certain defined terms under the Uniform Commercial Code to define holder, money, unauthorized signature, and value; to amend Section 7-1-207 of the Code of Alabama 1975, regarding performance or acceptance under reservation of rights to specify the section does not apply to an accord and satisfaction; to amend Section 7-2-103 of the Code of Alabama 1975, to conform the internal citation of the term dishonor to this act; to amend Section 7-2-511 of the Code of Alabama 1975, to conform an internal citation regarding the effect of an instrument on an obligation to this act; to amend Section 7-5-103 of the Code of Alabama 1975, relating to definitions regarding letters of credit to conform an internal citation concerning the term accept or acceptance to this act; to amend Section 7-9-105 of the Code of Alabama 1975, relating to certain definitions concerning security interests to conform an internal citation to this act; to amend Sec-

tion 7-9-203 of the Code of Alabama 1975, relating to attachment and enforceability of a security interest to conform an internal citation to this act and to specify application to a security interest arising under the article on leases; to amend Section 7-9-206 of the Code of Alabama 1975, relating to agreement not to assert defenses against assignee to conform the reference to Article 3 of Title 7 to this act; to amend Section 7-9-302 of the Code of Alabama 1975, regarding when a financing statement is required so as to conform an internal citation to this act; to amend Section 7-9-312 of the Code of Alabama 1975, relating to priorities among conflicting security interests in the same collateral to conform an internal citation to this act; and to provide a prospective effective date.

Committee on Banking  
and Insurance

By Senators Mitchem, Little, Adams, and Denton:

**S. 238.** To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

Committee on Fiscal Responsibility  
and Accountability

The above Bill was read a first time at length as required by the Constitution.

By Senator Lindsey:

**S. 239.** To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

Committee on Fiscal Responsibility  
and Accountability

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Board of Agriculture and Industries.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Richard Beard of Trussville, Alabama, to serve as a member of the Alabama State Board of Agriculture and Industries effective March 22, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130



Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Board of Agriculture and Industries.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Thomas E. Martin of Semmes, Alabama, to serve as a member of the Alabama State Board of Agriculture and Industries effective March 22, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

**1st Day**

the Alabama State Board of Agriculture and Industries.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jim Kelly, Jr., of Dothan, Alabama, to serve as a member of the Alabama State Board of Agriculture and Industries effective March 22, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama State Board of Agriculture and Industries.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jack Neal of Brewton, Alabama, to serve as a member of the Alabama State Board of Agriculture and Industries effective March 22, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama State Board of Agriculture and Industries.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Jordan of Fort Payne, Alabama, to serve as a member of the Alabama State Board of Agriculture and Industries effective March 22, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama State Board of Agriculture and Industries.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Milton Wendland of Autaugaville, Alabama, to serve as a member of the Alabama State Board of Agriculture and Industries effective March 22, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama State Board of Agriculture and Industries.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jerry Newby of Athens, Alabama, to serve as a member of the Alabama State Board of Agriculture and Industries effective March 22, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama State Docks Director.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jack Ravan of Mobile, Alabama, to serve as Director of the Alabama State Docks effective March 13, 1995. His term will run concurrent with my present term of office.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of the Alabama State Docks Director, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

**1st Day**

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Terrell Payne of Dora, Alabama, to serve as a member of the Alabama Alcoholic Beverage Control Board effective February 20, 1995. His term will expire February 19, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130



Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Hayes of Mobile, Alabama, to serve as Chairman of the Alabama Alcoholic Beverage Control Board effective March 6, 1995. His term will expire March 5, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to the appointment of the Chairman of the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Louise Moore

**1st Day**

of Montgomery, Alabama, to serve as a member of the Alabama Alcoholic Beverage Control Board effective March 6, 1995. Her term will expire March 5, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Ruth Whitley of Tuscaloosa, Alabama, to serve as a member of the Alabama Real Estate Commission effective February 6, 1995. She will be representing the 7th

Congressional District. Her term will expire September 30, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Gloria Nicholson of Auburn, Alabama, to serve as a member of the Alabama Real Estate Commission effective February 6, 1995. She will be representing the 3rd Congressional District. Her term will expire September 30, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Walter Summerville of Fort Payne, Alabama, to serve as a member of the Alabama Real Estate Commission effective February 6, 1995. He will be representing the 4th Congressional District. His term will expire September 30, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**1st Day****GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Charles Nicrosi of Montgomery, Alabama, to serve as a member of the Alabama Real Estate Commission effective February 6, 1995. He will be representing the 2nd Congressional District. His term will expire September 30, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-

**1st Day**

tive to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Poole of Huntsville, Alabama, to serve as a member of the Alabama Real Estate Commission effective February 6, 1995. He will be representing the 5th Congressional District. His term will expire September 30, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Starke Irvine of Daphne, Alabama, to serve as a member of the Alabama Real Estate Commission effective February 6, 1995. He will be representing the 1st Congressional District. His term will expire September 30, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

**RECESS**

At 1:55 P.M., Senator Figures moved that the Senate take a recess

**1st Day**

until 6:15 P.M., to assemble in the House of Representatives Chamber in the State Capitol, at which time the Message of His Excellency, the Governor, will be delivered in Joint Session at 6:30 P.M., and further moved that at the completion of the Joint Session the Senate stand in adjournment until Thursday, April 20, 1995, at 9 o'clock A.M., which motion was adopted.

**JOINT SESSION**

At 6:15 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable Fob James, Jr.

The Session was called to order at 6:30 P.M. by the Honorable Don Siegelman, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James, Jr., was escorted to the Chair and delivered his address to the Legislature of Alabama.

**See House Journal for the Message of the Governor**

**ADJOURNMENT**

The purpose of the Joint Session having been accomplished, at 7:10 P.M., in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Thursday, April 20, 1995, at 9 o'clock A.M.



## **SECOND LEGISLATIVE DAY**

**THURSDAY, APRIL 20, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Dr. Curtis McDaniel, Minister, Trinity Presbyterian Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Ashley Bosarge, Mobile, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**RECESS**

At 9:10 A.M., on motion of Senator Mitchell, the Senate took a recess until 10:30 A.M.

The recess period having expired, at 10:30 A.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Freeman:

**S. 240.** To require the reasonable posting of personnel vacancies by public school systems, public schools or colleges under the control of the State Board of Education, and certain other public educational institutions before the positions are filled.

Committee on Economic  
Expansion and Trade

By Senator Freeman:

**S. 241.** Relating to motor vehicles; to amend Sections 40-12-290 and 40-12-291 of the Code of Alabama 1975; to provide for the issuance of a two-year antique license plate or tag only for those vehicles operated as a collector's item; to increase the renewal fee; to prescribe penalties for violating this act; and to delete the provision that the plate or tag is valid without renewal.

Committee on Economic  
Expansion and Trade

By Senator Freeman:

**S. 242.** Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment

of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

Committee on Economic  
Expansion and Trade

By Senator Ghee:

**S. 243.** To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$200,000 to the Multi-System Evaluation Center for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senators Ghee, Mitchell, Butler, Dixon, Figures, and Windom:

**S. 244.** To provide for the establishment by the Alabama Commission on Higher Education in conjunction with the State Board of Education of a technology pilot program for computer-based teaching of Algebra I in the public schools of this state and make an appropriation to the Commission on Higher Education for the purchase of computer equipment, for the training of math teachers in the public schools and colleges participating in the program, and for an evaluation of the pilot program.

Committee on Finance  
and Taxation Education

By Senator Ghee:

**S. 245.** To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

Committee on Education

By Senator Bedford:

**S. 246.** Relating to municipal corporations; amending Section 11-43-188 of the Code of Alabama 1975, relating to the employment of

municipal law enforcement officers in municipalities that do not have a civil service or merit system and a personnel board; to provide for permanent employment status of municipal law enforcement officers in the municipalities under certain conditions; and to provide for review procedures applicable for dismissal actions concerning employees who become classified or permanent municipal law enforcement officers in municipalities that do not have a civil service or merit system and a personnel board.

Committee on Judiciary

By Senator Bedford:

**S. 247.** Relating to prisoners in the custody of the Department of Corrections; to provide that not less than five days of deductions granted to a prisoner for certain good conduct would be forfeited or the prisoner's parole hearing date may be continued if the prisoner files a claim without substantial justification, unreasonably expands or delays a proceeding, testifies falsely or otherwise presents false information or material, or submits a claim that is intended solely to harass the party against whom it is filed.

Committee on Judiciary

By Senator Bedford:

**S. 248.** To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

Committee on Health  
and Human Resources

By Senator Bedford:

**S. 249.** To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

Committee on Judiciary

By Senator Bedford:

**S. 250.** To amend Sections 36-30-20, 36-30-21, and 36-30-22

of the Code of Alabama 1975, relating to compensation for disability or death of municipal and other peace officers and law enforcement officers for certain defined occupational diseases; to extend the coverage of benefits for death or disability from certain occupational diseases of peace officers and law enforcement officers of all municipalities, counties, and the state; to define the term peace officer; and to define totally and partially dependent, and spouse.

Committee on Judiciary

By Senator Barron:

**S. 251.** To amend Section 40-12-84 of the Code of Alabama 1975, relating to privilege taxes levied on construction companies or contractors, to increase the basis of the gross amount of all orders or contracts accepted for the privilege taxes levied with certain exceptions.

Committee on Finance and  
Taxation General Fund

By Senator Barron:

**S. 252.** Providing for distinctive motor vehicle license tags or plates for supporters of "The Boy Scouts of America"; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

Committee on Governmental Affairs

By Senator Little:

**S. 253.** To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

Committee on Judiciary

By Senator Little:

**S. 254.** To amend Section 1 of Act No. 94-580, H. 105, 1994 Regular Session, to provide further for a certain definition which relates to the regulation of certain open house parties at certain residences.

Committee on Judiciary

By Senator Little:

**S. 255.** To establish the “Alabama Child Nutrition Law”; to require local boards of education to establish school breakfast and lunch programs beginning with the 1995-96 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Committee on Education

By Senator Lindsey:

**S. 256.** To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

Committee on Education

By Senator Lindsey:

**S. 257.** To exempt the Clarke County Historical Society from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by the organization from any state, county, and local ad valorem taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Little:

**S. 258.** To amend Section 7-9-310 of the Code of Alabama 1975, to provide that if secured property is abandoned and remains on a landlord’s property, the landlord may notify the secured party, and if the secured party fails to remove the property within ten days, the landlord may charge rent and other costs in maintaining the property.

Committee on Small Business  
and Rural Development

By Senator Little:

**S. 259.** To exempt the Lee County Humane Society from the

payment of all state, county, and municipal sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Windom:

**S. 260.** Relating to trusts, providing further for the powers of trustees.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 261.** To provide for the regulation of consumer debt collectors, and provide penalties for violations.

Committee on Banking  
and Insurance

By Senators Windom, Bedford, Escott-Russell, Freeman, Hale, Clay, McClain, Smitherman, Roberts, Waggoner, Biddle, Mitchem, Lindsey, Figures, Armistead, Ghee, Denton, Langford, Dial, Barron, Mitchell, Amari, and Butler:

**S. 262.** Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5;

**2nd Day**

amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; to amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 263.** Relating to the awarding of the custody of a child; permitting a child who is 14 years of age or older to designate the custodial parent.

Committee on Judiciary

By Senator Langford:

**S. 264.** To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University at Montgomery for the fiscal year ending September 30, 1996, and each year thereafter for use at Fort Toulouse in Elmore County.

Committee on Finance  
and Taxation Education

By Senators Ghee, Denton, Little, Windom, Escott-Russell, Mitchell, and Figures:

**S. 265.** Relating to the Fair Campaign Practices Act; amend-



ing Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; and to make an appropriation.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senators Amari, Lipscomb, Armistead, Adams, and Davidson:

**S. 266.** To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

Committee on Judiciary

By Senators Smitherman, Escott-Russell, McClain, and Waggoner:

**S. 267.** Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Jaycees; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Committee on Governmental Affairs

By Senators Davidson, Dial, Barron, Adams, Waggoner, Smith, Hill, Mitchem, and Armistead:

**S. 268.** To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

Committee on Judiciary

By Senator Little:

**S. 269.** To repeal Section 8 of Act No. 94-322, S. 282, 1994 Regular Session, now appearing as Section 3-8-1, Code of Alabama 1975, which provides that it is illegal to own, maintain, sell, or trade any canidae

or felidae for which there is no USDA licensed rabies vaccine.

Committee on Agriculture and Forestry

By Senator Sanders:

**S. 270.** To require the Department of Corrections to establish policies and procedures to ensure that all inmates would have a structured work day; and to prohibit the department from utilizing chains, shackles, leg irons, or other similar devices to confine inmates except in cases where the restraints are required to ensure safe transport of or to subdue an inmate.

Committee on Judiciary

By Senators Poole, Barron, Adams, and Waggoner:

**S. 271.** To provide that physical evidence would not be precluded from a jury or court because of a break in the chain of custody.

Committee on Judiciary

By Senators Little, Mitchell, and Waggoner:

**S. 272.** To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Committee on Conservation, Environment,  
and Natural Resources

By Senators Smitherman, Escott-Russell, McClain, Clay, and Steele:

**S. 273.** To amend Section 41-16-51, Code of Alabama 1975, to exempt certain construction contracts from competitive bidding requirements.

Committee on Fiscal Responsibility  
and Accountability

By Senators Lindsey, Barron, Dial, Davidson, Waggoner, Adams, and Hale:

**S. 274.** To provide for inverse condemnation civil actions as

an additional remedy and method of relief for owners of real property in the state, the value of which is diminished as a result of state or certain local governmental regulation; to require that the state and its agencies, as well as counties in the state and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation payments by governmental units in the state; to provide for a statute of limitations for inverse condemnation actions authorized by this act and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made.

Committee on Economic  
Expansion and Trade

By Senator Clay:

**S. 275.** To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

Committee on Business and Labor

By Senators Armistead, Adams, Bailey, Lindsey, Smith, Lipscomb, and Davidson:

**S. 276.** To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Committee on Business and Labor

By Senator Windom:

**S. 277.** To establish the Alabama Clean Indoor Air Act; to pro-

hibit smoking in certain public places; and to provide penalties for violations.

Committee on Governmental Affairs

By Senator Windom:

**S. 278.** To establish the Alabama Clean Indoor Air Act; to prohibit smoking in certain public places; and to provide penalties for violations.

Committee on Health  
and Human Resources

By Senator Escott-Russell:

**S. 279.** To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Bedford:

**S. 280.** To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

Committee on Health  
and Human Resources

By Senator Bedford:

**S. 281.** To repeal Sections 40-25A-1 to 40-25A-20, inclusive, Code of Alabama 1975, which provide for a sales tax on gummed cigarette papers.

Committee on Fiscal Responsibility  
and Accountability

By Senator Mitchem:

**S. 282.** To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama 1975, relating to retirement benefits of teachers and state employees; to remove the reduction for members of the Teachers' and Employees' Retirement Systems retiring on disability on or after October 1, 1995; and to provide for an effective date.

Committee on Finance  
and Taxation Education

By Senators Lipscomb, Hale, Butler, Davidson, Hill, Armistead, Bailey, and Adams:

**S. 283.** Prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

Committee on Judiciary

By Senators Lipscomb, Figures, Armistead, Hale, Bailey, Waggoner, Dial, Adams, Poole, Windom, Smith, Myers, Ghee, Escott-Russell, Langford, Steele, Davidson, Denton, Little, McClain, Butler, Lindsey, and Hill:

**S. 284.** To create the Order of Honorable Alabama Generals and Admirals.

Committee on Veterans  
and Military Affairs

## REPORTS OF COMMITTEES

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Lindsey and Freeman:

**S. 110.** To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

By Senator Freeman:

**S. 63.** To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

By Senators Bedford, Hale, and Steele:

**S. 99.** To amend Section 36-22-16, Code of Alabama 1975, relating to the minimum compensation to be paid to sheriffs; to provide for an increase in that compensation, and to provide an expense allowance under certain circumstances.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford:

**S. 1.** To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

By Senator Figures:

**S. 4.** To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary judges.

By Senator Butler:

**S. 5.** To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

By Senators Bedford, Butler, and Windom:

**S. 12.** To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

By Senator Mitchell:

**S. 19.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

By Senator Poole:

**S. 60.** To provide for the taking of a deposition or a video-taped deposition of a victim or a witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons or other excep-

**2nd Day**

tional circumstances; to provide for the use of the depositions; to authorize rules by the Alabama Supreme Court; and to specifically repeal Sections 12-21-260, 12-21-261, and 12-21-262 of the Code of Alabama 1975.

By Senators Bedford and Smitherman:

**S. 77.** To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

By Senators Windom and Bedford:

**S. 194.** To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee:

**S. 206.** To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Clay, Smitherman, Steele, Dial, Bailey, Lipscomb, McClain, and Barron:

**S. 209.** To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross



unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

By Senators Windom, Bedford, and Dixon:

**S. 220.** To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Substitute):

**S. 225.** To amend Section 5-21-11, Code of Alabama 1975, relating to the plan for linked deposits, to continue the termination date of the plan until September 30, 1999.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**S. 24.** To establish the Alabama Board of Locksmiths; to provide for the regulation and licensing of persons engaged in the business of locksmiths; to provide for fees and the deposit thereof, and for appropriations; and to provide penalties for violations of this act and the rules and regulations issued thereunder.

By Senator Mitchell:

**S. 59.** To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

By Senator Mitchell:

**S. 21.** To regulate the practice of architecture and to register architects in this state; to create the State Board for Registration of Architects and define its powers and duties; to confer qualified immunity on architects for charitable architectural services; to provide for standards relating to educational and other qualifications required by the board in the registration of architects; to provide for the suspension and revocation of registrations and other disciplinary actions; to prescribe penalties; to repeal Sections 34-2-30 to 34-2-42, inclusive, of the Code of Alabama 1975, relating to architects; and to provide for retroactive effect of Section 7, relating to professional continuing education of architects.

By Senator Langford:

**S. 9.** To amend Sections 41-9-741, 41-9-742, and 41-9-744 of the Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

By Senator Langford:

**S. 6.** To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

By Senator Denton:

**S. 7.** To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

By Senator Ghee:

**S. 30.** To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; and to provide for civil enforcement of the regulations, including civil penalties for violations.

By Senator Waggoner:

**S. 214.** Providing for distinctive motor vehicle license tags or plates for supporters of the United States Olympic Committee and the Alabama Sports Foundation to commemorate the 1996 Olympic Games; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; providing for an expiration date for the manufacture of the tags or plates; and providing for a delayed effective date.

By Senator Ghee:

**S. 199.** To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a lay-off, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service.

By Senator Windom:

**S. 129.** To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has elected the following as members of the Legislative Council:

Reps. Penry, Buskey, Hill, Hall (A), Hilliard, and Laird.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 1.** COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

And the Speaker has appointed as a committee on the part of the House, Reps. McMillan, Hooper, and Fuller.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.**

And the Speaker has appointed as a committee on the part of the House, Reps. McMillan, Hooper, and Fuller.

GREG PAPPAS,  
Clerk.

### REPORT FROM CONFIRMATIONS

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Ruth Whitley to the Alabama Real Estate Commission

On motion of Senator Mitchem, the appointment of Ms. Whitley was confirmed by the Senate.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Clay, Davidson, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-26

Nays:

- 0

REGULAR SESSION  
2nd Day

135

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Gloria Nicholson to the Alabama Real Estate Commission

On motion of Senator Mitchem, the appointment of Ms. Nicholson was confirmed by the Senate.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dial, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Walter Summerville to the Alabama Real Estate Commission

On motion of Senator Mitchem, the appointment of Mr. Summerville was confirmed by the Senate.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dial, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the

following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Charles Nicrosi to the Alabama Real Estate Commission

On motion of Senator Langford, the appointment of Mr. Nicrosi was confirmed by the Senate.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Bill Poole to the Alabama Real Estate Commission

On motion of Senator Mitchem, the appointment of Mr. Poole was confirmed by the Senate.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

REGULAR SESSION  
2nd Day

137

Appointment of Mr. Starke Irvine to the Alabama Real Estate Commission

On motion of Senator Mitchem, the appointment of Mr. Irvine was confirmed by the Senate.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

**REPORT FROM RULES**

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Lieutenant Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Fournier J. Gale, III to the Alabama Commission on Higher Education

On motion of Senator Waggoner, the appointment of Mr. Gale was confirmed by the Senate.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Ms. Shirley Dowling McCrary to the Board of Trustees of the Alabama Department of Archives and History

On motion of Senator Butler, the election of Ms. McCrary was confirmed by the Senate.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said Committee, in session, had acted on the following election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Oliver H. Delchamps, Jr. to the Board of Trustees of the University of Alabama

On motion of Senator Myers, the election of Mr. Delchamps was confirmed by the Senate.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

## RESOLUTIONS

Senators Lipscomb, Smith, Hale, Amari, Freeman, Clay, Mitchem, Figures, Adams, Davidson, Mitchell, Ghee, Little, Windom, Waggoner, Armistead, Bailey, Hill, Butler, Dial, Bedford, Smitherman, Myers, Poole, Barron, Biddle, Denton, Dixon, Escott-Russell, Langford, Lindsey, McClain, Roberts, Sanders, and Steele offered the following Senate Joint Resolution, to-wit:

**SJR 28.** PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 4,



1995, TO OBSERVE THE 1995 NATIONAL DAY OF PRAYER.

WHEREAS, prayer is the mainspring of the American spirit, a fundamental tenet of our people since before the Republic was founded; a year before the Declaration of Independence in 1775, the Continental Congress proclaimed the first National Day of Prayer as the initial positive action they asked of every colonist; and

WHEREAS, more than two hundred years ago in 1783, the Treaty of Paris officially ended the long, weary Revolutionary War during which a National Day of Prayer had been proclaimed every spring for eight years; when peace came, the National Day of Prayer was forgotten; for almost half a century, as the Nation grew in power and wealth, we put aside this deepest expression of American belief--our national dependence on the Providence of God; and

WHEREAS, it took the tragedy of the Civil War to restore a National Day of Prayer; as Abraham Lincoln said, "Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us"; and

WHEREAS, revived as an annual observance by Congress in 1952, the National Day of Prayer has become a great unifying force for our citizens who come from all the great religions of the world; prayer unites people; this common expression of reverence heals and brings us together as a Nation and we pray it may one day bring renewed respect for God to all the people of the world; and

WHEREAS, from General Washington's struggle at Valley Forge to the present, this Nation has fervently sought and received divine guidance as it pursued the course of history; this occasion provides our Nation with an opportunity to further recognize the source of our blessings, and to seek His help for the challenges we face today and in the future; and

WHEREAS, Thursday, May 4, is the 1995 National Day of Prayer, which will be observed by citizens gathering for prayer at our churches, city halls, and state capitols throughout Alabama and the Nation at 12:00 noon local time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That both houses of the Legislature shall recess on Thursday, May 4, 1995, from 12:00 noon until 1:30 p.m. in support of the National Day of Prayer. Prayer will be offered on the steps of the Capitol from noon until 1:00 p.m.

**2nd Day**

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor James, President Pro Tem Figures, and Speaker Clark, that they may know of our feelings and desires concerning this matter.

On motion of Senator Lipscomb, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Freeman offered the following Senate Joint Resolution, to-wit:

**SJR 29.** REQUESTING AND STRONGLY RECOMMENDING THE ALABAMA BUILDING RENOVATION FINANCE AUTHORITY TO PROVIDE PERMANENT SECURITY FOR ALL EXTERIOR ENTRANCES AND ACCESSES OF THE ALABAMA STATE HOUSE BUILDING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Building Renovation Finance Authority is requested and strongly recommended to provide permanent security at each exterior entrance and access to the Alabama State House Building in order to ensure the safety, health, and security of those persons located within the State House, and the security of the property, facilities, and equipment of the State House.

RESOLVED FURTHER, That a copy of this resolution be sent to the Governor, Finance Director, and the State Treasurer, the board of directors of the authority.

On motion of Senator Freeman, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom offered the following Senate Joint Resolution, to-wit:

**SJR 30.** CREATING A CONTINUING JOINT STUDY COMMITTEE ON THE DEPARTMENT OF INSURANCE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Continuing Joint Study Committee on the Department of Insurance. The committee shall consist of the following membership: Four members appointed by the Governor one of whom shall be the Commissioner of Insurance; four members appointed by the Lieutenant Governor; four members appointed by the Speaker of the House of Representatives; and the Chair of the Senate Committee on Banking and Insurance and the Chair of

the House of Representatives Committee on Insurance. Each appointing authority shall include in the four appointments made at least one insurance agent who has been actively engaged in the insurance business at least five years and at least one person who is an officer or employee of an insurance company qualified to do business in the State of Alabama.

The first meeting shall be set by the Lieutenant Governor at which time the committee shall elect a Chair. Thereafter, the committee shall meet at the call of the Chair or as determined by the committee.

The committee shall study the operations, powers, duties, and policies of the Department of Insurance, its structure and other pertinent details as it deems appropriate and the committee shall make reports and recommendations, from time to time, to the Legislature, including drafts of suggested legislation to implement any changes in the Department of Insurance, its operations, powers, duties, and policies.

The committee may employ experts to assist the committee in the study and review of the Department of Insurance and in other appropriate areas of its responsibilities and may call on the cooperation of any state agency in its endeavors.

The committee may incur expenses reasonably related to the powers and functions of the committee and may reimburse its members for actual expenses reasonably incurred in the performance of their duties within and outside of the State of Alabama upon approval of the chair of the committee. The legislative members shall be entitled to the legislative compensation, per diem, and travel expenses out of funds appropriated to the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Legislative members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and any travel upon business of the committee within and without the state. The expenses of the committee shall not exceed seventy-five thousand dollars (\$75,000) per annum and shall be paid from funds appropriated to the use of the Legislature.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Davidson offered the following Senate Joint Resolution, to-wit:

**SJR 31. DENOUNCING THE RECENT ACT OF TERRORISM IN OKLAHOMA CITY, OKLAHOMA.**

**2nd Day**

WHEREAS, it is with heavy hearts that the Legislature of Alabama notes the recent tragedy in Oklahoma City, Oklahoma; and

WHEREAS, on the morning of April 19, 1995, tragedy struck the heartland of America when a car bomb exploded, demolishing the Alfred Murrah Federal Building in Oklahoma City, and killing and injuring untold numbers, including many innocent children; and

WHEREAS, it is inconceivable that an act such as this could occur within the confines of our country; we denounce this brutal and cowardly act, and call upon the proper authorities to act swiftly and deliberately to assure that the individual or individuals responsible are caught and brought to justice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply troubled and saddened by this deplorable incident and extend our gratitude and admiration to those who are working tirelessly and diligently in the rescue and recovery of the dead and injured; we further express our deepest heartfelt sympathy to the families of these innocent and unsuspecting victims.

On motion of Senator Davidson, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

**SJR 32.** COMMENDING THE LEE-SCOTT ACADEMY FOOTBALL TEAM OF AUBURN, ALABAMA, AS THE 1994 STATE CLASS 3A CHAMPIONS.

WHEREAS, it is with heartiest congratulations that the Alabama Legislature commends the football team of Lee-Scott Academy of Auburn, Alabama, on the spectacular success of the 1994 football season and on its achievement in state competition; and

WHEREAS, under the outstanding leadership of Head Coach, Joe Wilson, and the entire football staff, Lee-Scott Academy finished the regular season with an impressive record of 12-1; and

WHEREAS, following the regular season, Lee-Scott Academy won the Alabama Independent Athletic Association State Championship for 3A schools; and

WHEREAS, these accomplishments are a direct result of the fine coaching staff, the talented and hardworking athletes, and the enthusiastic

fans of Lee-Scott Academy and the Auburn community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically commend the Boys Varsity Football Team of Lee-Scott Academy of Auburn, Alabama, on its 3A Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lee-Scott Academy for proper presentation and display.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Waggoner, Biddle, and Amari offered the following Senate Joint Resolution, to-wit:

**SJR 33. HONORING THE CHIROPRACTIC PROFESSION ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY.**

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the chiropractic profession on the occasion of its Centennial Anniversary, September 18, 1995; and

WHEREAS, the chiropractic profession was founded on September 18, 1895, by Daniel David Palmer in Davenport, Iowa, and today is practiced by doctors of chiropractic throughout the world, including 50,000 in the United States alone; and

WHEREAS, contemporary standards in chiropractic education, research, and practice have led to an ever increasing acceptance of the benefits of chiropractic health care by both the general public and health care community and, each year, millions of Americans choose chiropractic health care for the restoration and maintenance of their health by natural methods rather than through the use of drugs or surgery; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great respect and admiration for the practice of chiropractic and the relief it engenders to all its recipients that we commend and congratulate the chiropractic profession in the celebration of its 100th Year Anniversary.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Chiropractic Centennial Foundation as an expression of our congratulations on this momentous occasion.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

**SJR 34. HONORING JACK L. WALTON FOR OUTSTANDING SERVICE.**

WHEREAS, it is with great pride and esteem that the Alabama Legislature warmly congratulates Mr. Jack L. Walton on the occasion of his retirement as East Alabama Area Supervisor of the Alabama State Employment Service, Department of Industrial Relations; and

WHEREAS, supervisor of 10 Employment Service Offices, 7 Unemployment Security Offices, and 9 Branch Employment Service Offices throughout 18 counties, Jack L. Walton will complete 51 years of service to the State of Alabama on May 1, 1995, where he has played a vital role in the placing of over 200,000 citizens in jobs, affecting nearly every household in Lee County; and

WHEREAS, as an appointee of the Hunt Administration, Mr. Walton initiated the consolidation of the Employment and Unemployment Service Offices throughout Alabama, served on the Alabama Improvement Committee at Auburn University in Montgomery, and was a member of the Governor's Committee on Employment of People with Disabilities; and

WHEREAS, Jack L. Walton has been involved in countless activities which have been instrumental in the development of the community, such as Chairman of the Opelika and Lee County Blood Programs, President of the Opelika Lions Club, State Chapter President of the International Association of Personnel in Employment Security, Advisory Board Member of Southern Union State Community College, and others too numerous to mention; and

WHEREAS, a native of Chambers County, and a member of Trinity United Methodist Church in Opelika, Alabama, Jack L. Walton is the devoted husband of Betty Walton, and they are the proud parents of two sons and grandparents of three; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of 51 years of service to the State of Alabama, the Legislature of Alabama hereby extends highest commendation to Jack L. Walton on the occasion of his retirement, and furthermore directs that a copy of this resolution be presented as evidence of our appreciation and utmost esteem.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Barron offered the following Senate Joint Resolution, to-wit:

**SJR 35. NAMING THE LYCEUM BUILDING AT NORTH-EAST ALABAMA STATE COMMUNITY COLLEGE, "THE TOM BEVILL LYCEUM BUILDING."**

WHEREAS, Congressman Tom Bevill has served with unequalled distinction as a member of the U. S. House of Representatives for the Alabama Fourth Congressional District since first being elected on November 8, 1966; and

WHEREAS, with unusual ability and total dedication to his country and constituents, he has served as chairman and ranking member of many prestigious committees and subcommittees during his congressional tenure; and

WHEREAS, his leadership and knowledge and respect of his peers allowed him to lead the drive and cause the Tennessee-Tombigbee Waterway to become a real legacy for his constituents, all Alabamians, and the nation; and

WHEREAS, Mr. Bevill has initiated the funding for a more than significant number of major facilities for Alabama colleges, including all three University of Alabama campuses in Tuscaloosa, Birmingham, and Huntsville, as well as the Two-Year College System in Alabama; and

WHEREAS, because of his leadership, uncanny knowledge of legislative processes, a respect of peers, devotion to duty and making government work for the people he has been called one of the top ten most powerful in Washington by many organizations, including TIME magazine; and

WHEREAS, Congressman Bevill has been the keynote speaker for many public gatherings and the ancient Greeks erected fine structures to house distinguished lecturers, one of which was the Lyceum in Athens where Aristotle lectured; and

WHEREAS, the President of Northeast Alabama State Community College requests and the Alabama Legislature recommends that Congressman Tom Bevill be recognized in a special way for his significant contributions to Northeast Alabama State Community College, to the Alabama College System, and for the effort to provide better opportunities for a greater Alabama; now therefore,

**2nd Day**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature designates the Lyceum Building at Northeast Alabama State Community College "The Tom Bevill Lyceum Building," in recognition of Mr. Bevill's outstanding service to the State of Alabama, the Alabama College System, and to Northeast Alabama State Community College.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

**ELECTION OF MEMBERS TO THE  
ALABAMA SUNSET REVIEW COMMITTEE**

The Senate proceeded to the election of members to the Alabama Sunset Review Committee.

Senator Sanders nominated Senators Roberts, Smitherman, and Freeman.

On motion of Senator Sanders, Senators Roberts, Smitherman, and Freeman were elected as members of the Alabama Sunset Review Committee.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

**ELECTION OF MEMBERS TO  
THE BUILDING COMMISSION**

The Senate proceeded to the election of members to the Building Commission.

Senator Sanders nominated Senators Escott-Russell, Mitchem, Barron, and Langford.

On motion of Senator Sanders, Senators Escott-Russell, Mitchem, Barron, and Langford were elected as members of the Building Commission.

Yeas 31 Nays 0



Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, and Windom -31

Nays:

- 0

### **ELECTION OF MEMBERS TO THE LEGISLATIVE COMMITTEE ON EXAMINERS OF PUBLIC ACCOUNTS**

The Senate proceeded to the election of members to the Legislative Committee on Examiners of Public Accounts.

Senator Waggoner nominated Senators Barron, Butler, Clay, McClain, and Smith.

On motion of Senator Waggoner, Senators Barron, Butler, Clay, McClain, and Smith were elected as members of the Legislative Committee on Examiners of Public Accounts.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, and Windom -31

Nays:

- 0

### **RESOLUTION RECONSIDERED**

On motion of Senator Dial, the Senate reconsidered the vote by which the Resolution, SJR 30, was adopted by the Senate.

And said Resolution, SJR 30, was then read and referred to the Standing Committee on Rules.

### **RECESS**

At 12:05 P.M., Senator Mitchell moved that the Senate take a recess until 1:30 P.M., to assemble in the House of Representatives Chamber, to hear the address of the Commandant of the United States Marine Corps,

**2nd Day**

General Carl E. Mundy, Jr., and further moved that at the completion of the Joint Session the Senate stand in adjournment until Wednesday, May 3, 1995, at 1:30 P.M., which motion was adopted.

**JOINT SESSION**

At 1:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of the Commandant of the United States Marine Corps, General Carl E. Mundy, Jr.

The Session was called to order at 1:30 P.M. by the Honorable Don Siegelman, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, General Mundy was escorted to the Chair and delivered his address to the Legislature of Alabama.

**ADJOURNMENT**

The purpose of the Joint Session having been accomplished, at 1:45 P.M., in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Wednesday, May 3, 1995, at 1:30 P.M.

## **THIRD LEGISLATIVE DAY**

**WEDNESDAY, MAY 3, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Mr. Paul Purvis, Associate Pastor, First Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jeremy Childree, Goodwyn Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**COMMITTEE APPOINTMENTS ANNOUNCED**

The President and Presiding Officer of the Senate announced that Senator Figures has been appointed to the following Standing Committee of the Senate, to-wit:

Constitution, Campaign Finance, Ethics, and Elections

The President and Presiding Officer of the Senate then announced that Senator Lipscomb has been appointed to the following Standing Committee of the Senate, to-wit:

Alabama National Guard and Reserve Subcommittee under Veterans and Military Affairs

**REPORT OF THE JUDICIAL COMPENSATION COMMISSION  
TO THE 1995 REGULAR SESSION OF THE  
ALABAMA LEGISLATURE**

The State Judicial Compensation Commission met on March 17, 1995 in Montgomery, Alabama and hereby files its report to the 1995 Regular Session of the Legislature of the State of Alabama.

The Commission has considered the matter of recommending the salary to be paid from the state treasury for all judges except probate and municipal judges.

It is therefore recommended to the legislature that the salaries of justices of the supreme court and the judges of the appellate and district courts, which are paid from the state treasury, be fixed as heretofore designated by Act 111 of the 1990 Regular Session of the Alabama Legislature; and that the salaries of the circuit court judges to be paid from the state treasury be fixed as follows:

**Circuit Court Judges**

\$78,300 plus whatever percentage increase or upward pay adjustment is enacted for state employees generally at the 1995 Regular Session of the Legislature of the State

of Alabama. This salary shall become effective on October 1, 1995.

Adopted by the affirmative vote of the below named members of the State Judicial Compensation Commission.

CHAS. R. ADAIR, JR.,  
Chairman.

FINIS E. ST. JOHN, IV,  
Vice-Chairman.

WILLIAM C. THOMPSON,

BROOX G. GARRETT, JR.,

CHRISTOPHER E. PETERS.

having been received by the Secretary of the Senate, April 20, 1995, after the Senate adjourned, the report was read and ordered filed with the Secretary today.

### **MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 4, 1995, at 10 o'clock A.M., which motion was adopted.

### **RESOLUTIONS**

Senator Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 36. RECOGNIZING ALABAMA BANKERS FOR OUTSTANDING CONTRIBUTIONS TO THE ALABAMA COMMUNITY.**

WHEREAS, The Alabama Bankers Association and the Alabama League of Savings Institutions declared the week of April 17-21, 1995, as Alabama Community Reinvestment Week to create and strengthen the awareness of programs enacted by financial institutions across the State to better serve the needs of our communities; and

WHEREAS, through civic activities, public education and awareness on financial matters, and contributions to the development of afford-

**3rd Day**

able housing and small business enrichment, Alabama bankers continue the tradition of community involvement and assistance in situations of need which the forefathers of the banking industry began more than 100 years ago; and

WHEREAS, Alabama bankers, through a proven record of safe, strong lending practices, have assisted hundreds of thousands of individuals in achieving their goals and have rejuvenated economies across our state, thereby improving the quality of life for all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of Alabama Community Reinvestment Week, in recognition of outstanding contributions to the Alabama community, and for their continuing efforts to assure that our state and her people continue to grow and prosper, we hereby most highly commend the Alabama Bankers Association, the Alabama League of Savings Institutions and the many dedicated directors, officers and employees of Alabama's financial institutions, and direct that a copy of this resolution be provided as a measure of our gratitude and esteem.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 37. COMMENDING HOLLINGER'S ISLAND SCHOOL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with highest honor and accord that the Legislature of Alabama recognizes Hollinger's Island Elementary School of Mobile, Alabama, as a recipient of the United Earth Youth Earth Service Award to be presented at inaugural award ceremonies at the National Aquarium in Baltimore, Maryland, May 11, 1995; and

WHEREAS, Hollinger's Island School was one of only five youth groups chosen from participants around the country to receive the prestigious award for outstanding efforts on the "Give Water a Hand," project, an environmental education initiative begun in 1994, and designed by United Earth to engage and encourage young people in environmental community service; and

WHEREAS, United Earth was founded in 1974 by Claes Nobel, descendant of Nobel Prize creator Dr. Alfred Nobel, and is a non-profit organization composed of more than 20 national agencies and organizations; and

WHEREAS, as recipients of this notable award, this exceptional group of young people have brought honor and acclaim to their school, community, and state, and are indeed deserving of public recognition and tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the students, faculty and staff of Hollinger's Island School, Mobile, Alabama, and do further direct that a copy of this resolution be provided for appropriate presentation and school display.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Alabama Sunset Review Committee:

Reps. Sanderford, Mitchell, and Millican.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Building Commission:

Reps. Payne, Perdue, Graham, and Smith.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Examiners of Public Accounts:

Reps. McKee, Rogers (J), Letson, Morrison, and Morrow.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 2.** COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

**HJR 3.** COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

Also:

**HJR 4.** RELATIVE TO MEETING DAYS.

Also:

**HJR 5.** INVITING THE COMMANDANT OF THE UNITED STATES MARINE CORPS TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 3.** ELECTING A LEGISLATIVE REPRESENTATIVE



TO THE GULF STATES MARINE FISHERIES COMMISSION.

Also:

**SJR 4.** RECOGNIZING THE SPACE SHUTTLE MAIN ENGINE PROGRAM AND MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 8.** MOURNING THE DEATH OF KELLY ANTONETTE DEFOE OF ATHENS, ALABAMA.

Also:

**SJR 9.** MOURNING THE DEATH OF REGINA FAYE CLARK OF ATHENS, ALABAMA.

Also:

**SJR 10.** MOURNING THE DEATH OF ARTHUR ALLEN MING OF ATHENS, ALABAMA.

Also:

**SJR 13.** COMMENDING THE ALABAMA CHILDREN'S REHABILITATION SERVICE ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

Also:

**SJR 14.** COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1995 STATE 6A BASKETBALL CHAMPIONSHIP.

Also:

**SJR 15.** COMMENDING CLYDE B. ANDERSON OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 16.** COMMENDING CAROLINE SELF, ALABAMA'S 1995 JUNIOR MISS.

**3rd Day**

Also:

**SJR 17.** MOURNING THE DEATH OF JESSE J. LEWIS, JR., OF BIRMINGHAM, ALABAMA.

Also:

**SJR 18.** COMMENDING COACH DON COX, 4A-6A FOOTBALL COACH OF THE YEAR.

Also:

**SJR 19.** COMMENDING DERON DAVIS OF HUEYTOWN, ALABAMA.

Also:

**SJR 20.** NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."

Also:

**SJR 24.** COMMENDING YETTA G. SAMFORD, JR., FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

**SJR 25.** HONORING DR. WAYNE TEAGUE FOR HIS TWENTY-YEAR SERVICE TO ALABAMA AS STATE SUPERINTENDENT OF EDUCATION.

Also:

**SJR 26.** HONORING THE CENTRAL HIGH SCHOOL COUGARS FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 27.** RECOGNIZING SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION, INC.

Also:

**SJR 11.** SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF

THE ALABAMA MEDICAID AGENCY'S PROPOSED AMENDMENT  
OF RULE NO. 560-X-16-.09, ENTITLED "PRIOR AUTHORIZATION."

GREG PAPPAS,  
Clerk.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Dixon:

**S. 285.** To amend Section 17-6-6, Code of Alabama 1975, to provide further for the appointment of election officials.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Barron:

**S. 286.** To amend Section 40-2-10, Code of Alabama 1975, to provide that law enforcement officers of the Department of Revenue comply with the requirements of the Peace Officers' Training and Standards Commission, and to include drugs and controlled substances tax, criminal tax evasion and related criminal statutes within their limited jurisdiction.

Committee on Judiciary

By Senator Mitchell:

**S. 287.** To provide for the nonpartisan election of judges; to provide for a filing fee to be paid by judicial candidates, to be deposited into the State General Fund; to provide for filing with the Secretary of State of an affidavit of indigence in lieu of payment of the filing fee provided herein; to provide limits on campaign contributions to candidates for judicial office; and to amend Sections 17-7-20, 17-16-20, 17-8-1, 17-8-4, and 17-16-18 of the Code of Alabama 1975.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Dixon:

**S. 288.** To require voters to present identification at the polling

**3rd Day**

place; to require the election officials to ascertain the identity of the voter before allowing him or her to vote; and to prescribe penalties for violations of this act.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senator Freeman:

**S. 289.** To amend Section 40-2A-11, Code of Alabama 1975, to provide for the payment of penalties for failure to timely pay a tax that is due to be paid to the Department of Revenue.

Committee on Fiscal Responsibility  
and Accountability

By Senators Mitchell, Amari, Waggoner, McClain, Ghee, Lipscomb, and Windom:

**S. 290.** Establishing the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state laws prohibiting the sale of tobacco and tobacco products to minors; establishing wholesale and retail licenses and authorizing the Alabama Alcohol Beverage Control Board to collect license fees for sales or distribution of tobacco and tobacco products for purposes of offsetting the agency's costs of administering its regulatory, educational, and licensing responsibilities; and to provide penalties for violations.

Committee on Governmental Affairs

By Senator Freeman:

**S. 291.** To amend Section 32-5A-191 of the Code of Alabama 1975, relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a school bus or day care driver who has more than .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

Committee on Judiciary

By Senator Little:

**S. 292.** To amend Sections 40-12-390, 40-12-391, and 40-12-392, Code of Alabama 1975, to require new motor vehicle dealers

franchised in other states to be subject to the dealer licensing law and to provide a retroactive effect.

Committee on Commerce,  
Transportation, and Utilities

By Senator Langford:

**S. 293.** To amend Section 4 of Act No. 94-363, H. 252, 1994 Regular Session, to provide further for organizations receiving certain funds to prevent the spread of AIDS.

Committee on Finance  
and Taxation Education

By Senator Windom:

**S. 294.** To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; to increase the minimum franchise tax; and to provide a retroactive effective date.

Committee on Fiscal Responsibility  
and Accountability

By Senator Windom:

**S. 295.** To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

Committee on Judiciary

By Senator Windom:

**S. 296.** To amend Section 5-18-15 of the Code of Alabama 1975; and to provide for default or extension charges which may be charged and collected in connection with small loans pursuant to the Alabama Small Loan Act.

Committee on Banking  
and Insurance

By Senator Lindsey:

**S. 297.** To provide for the appropriation of an amount equal to seventy-five percent (75%) of the amount appropriated for a newly created judgeship to the district attorney of the affected circuit to provide prosecution services to that court.

Committee on Judiciary

By Senator Barron:

**S. 298.** To make an appropriation from the Athletic Trainers Fund to the Alabama Board of Athletic Trainers in the amount of thirty-five thousand dollars (\$35,000) for the fiscal year ending September 30, 1995.

Committee on Finance and  
Taxation General Fund

By Senator Windom:

**S. 299.** Relating to redemption of real property foreclosed under a mortgage or sold by virtue of a judgment, to reduce from one year to 90 days the period of time for the tender of payment or bringing of suit; for this purpose to amend Sections 6-5-248, 6-5-252, and 8-1-172 of the Code of Alabama 1975; and to provide the effective date of this provision.

Committee on Banking  
and Insurance

By Senator Denton:

**S. 300.** To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the

fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

Committee on Fiscal Responsibility  
and Accountability

By Senator McClain:

**S. 301.** To provide for the use of safety belts by adults and children, with exceptions; to establish the "Alabama Safety Belt Use Act"; to provide for fines and punishment for violators; to repeal Sections 32-5B-1 to 32-5B-7, inclusive, Code of Alabama 1975, relating to the use of safety belts; and to provide for a delayed effective date.

Committee on Judiciary

By Senator Smitherman (With Notice and Proof):

**S. 302.** Relating to Jefferson County; to amend Act No. 929, S. 676 of the 1951 Regular Session (Acts 1951, p. 1579), as amended by Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), relating to a pension system; to provide that employees of the Birmingham Emergency Management Communication District shall be included in the pension system.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 302, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Butler:

**S. 303.** To amend Section 2 of Act No. 93-846 of the 1993

**3rd Day**

First Special Session, now appearing as Section 22-11A-61, Code of Alabama 1975, to provide immunity to physicians who notify the State Health Officer about state health workers infected with HIV or HBV.

Committee on Health  
and Human Resources

By Senator Butler:

**S. 304.** To provide for a subsistence allowance for certain employees of the Department of Corrections.

Committee on Judiciary

By Senators Butler and Freeman:

**S. 305.** To provide that any Class 3 municipality may remove, demolish, or repair buildings, structures, or portions thereof which are unsafe to the extent of creating a public nuisance; to provide for the right to collect special assessments and for liens against the property for the cost of the removal, demolition, or repair; and to provide for a civil cause of action to enforce the lien.

Committee on Governmental Affairs

By Senators Butler, Denton, Armistead, Hale, Bailey, Hill, Dial, Adams, Little, Smith, Mitchell, Biddle, Lipscomb, Steele, Davidson, Windom, Freeman, Roberts, Mitchem, Waggoner, Barron, and Amari:

**S. 306.** To amend Sections 22-8-4, 22-8-6, and 22-8-9 of the Code of Alabama 1975, to remove the right of a minor to give effective consent for medical procedures; to provide that the parent or legal guardian of a minor may access medical, dental, health, or mental health records of the minor in certain situations.

Committee on Judiciary

By Senators Biddle, Dial, Bedford, Mitchem, Mitchell, Waggoner, Smitherman, Barron, Windom, Steele, Roberts, Amari, Davidson, Armistead, Clay, Figures, Adams, and Myers:

**S. 307.** To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances



for treatment purposes; and to prescribe penalties for violations of this act.

Committee on Health  
and Human Resources

By Senators Butler and Freeman:

**S. 308.** Relating to Class 3 municipalities; providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 3 municipality which is organized pursuant to Chapter 43, Title 11 of the Code of Alabama 1975; establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien; and providing for the collection of the assessments and the enforcement of the lien.

Committee on Governmental Affairs

By Senators Dial and Barron:

**S. 309.** To create a new circuit judgeship in the Ninth Judicial Circuit.

Committee on Judiciary

By Senator Armistead:

**S. 310.** Reopening the Employees' Retirement System for a certain time to allow certain members of the system to purchase credit for certain prior service rendered in the office of a circuit clerk.

Committee on Fiscal Responsibility  
and Accountability

By Senator Ghee:

**S. 311.** To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-652, S. 280, 1994 Regular Session (Acts 1994, p. 1243) relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

Committee on Judiciary

**3rd Day**

By Senator McClain:

**S. 312.** Relating to environmental testing or analysis of environmental samples in this state; to authorize the Department of Environmental Management to regulate environmental laboratories; to provide for the collection of fees for laboratory certification and the disbursement of the fees; to provide for reciprocity for laboratories located outside the state if that state has a certification program substantially equivalent to or more stringent than the one established by this act; to provide civil enforcement and administrative appeals; and to provide criminal penalties.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Lindsey:

**S. 313.** Relating to the Alabama Peace Officers' Standards and Training Commission and the standards for the certification or authority of law enforcement officers in the state; amending Section 36-21-51 of the Code of Alabama 1975, providing for continuing education of law enforcement officers and for the effect of failure to comply; and providing for the revocation of the certification or authority of a law enforcement officer upon conviction of a felony.

Committee on Judiciary

By Senator Figures:

**S. 314.** To amend Section 11-49-80, Code of Alabama 1975, to further provide that a municipality may assume authority to control, manage, supervise, regulate, repair, maintain, and improve public streets in newly annexed areas.

Committee on Governmental Affairs

By Senator Figures:

**S. 315.** To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

Committee on Judiciary

By Senator Hill:

**S. 316.** To exempt the Rainbow Omega, Inc., from the pay-

ment of all state, county, and municipal sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senators Biddle and Waggoner:

**S. 317.** To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

Committee on Health  
and Human Resources

By Senator Denton:

**S. 318.** Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Fund"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

Committee on Agriculture and Forestry

By Senator Little:

**S. 319.** To amend Section 36-27-26, Code of Alabama 1975, relating to proposed legislation affecting the State Employees' Retirement System, to include legislation affecting the Judicial Retirement System.

Committee on Fiscal Responsibility  
and Accountability

By Senator Bedford:

**S. 320.** To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

Committee on Business and Labor

By Senator Langford (With Notice and Proof):

**S. 321.** Relating to Montgomery County; providing further for the compensation of all election officials.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 321, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedford:

**S. 322.** To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety.

Committee on Judiciary

By Senator Little:

**S. 323.** To exempt public library agencies and all organizations incorporated for the purpose of providing or coordinating cooperative library service from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by those organizations from any state, county, and local ad valorem taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senator Little:

**S. 324.** Relating to the imposition of additional fines for persons convicted of driving under the influence of a controlled substance or alcohol; providing for the distribution of the funds collected; providing for the creation of the Alabama Chemical Testing Trust Fund Advisory Board and the Alabama Chemical Testing Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 for the 1996 fiscal year.

Committee on Judiciary

By Senator Little:

**S. 325.** Relating to insurance, to provide further for the qualifications of property and casualty insurance agents by requiring an applicant for license who is not a United States citizen to be a citizen of Canada or a permanent resident under United States immigration laws and a resident of this state, to delete certain residential requirements for agents prior to applying for license; to allow anyone residing or maintaining an established office in a populous community or trade area, lying partly in Alabama and partly in an adjoining state, to be a resident agent of this state; to require that agents be "trustworthy," and to change the line of insurance exempt from the written examination from "personal property insurance" to "physical damage coverage on household goods," and for these purposes to amend Section 27-7-5, Code of Alabama 1975.

Committee on Banking  
and Insurance

By Senators Waggoner and Amari:

**S. 326.** To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

Committee on Governmental Affairs

By Senator Windom:

**S. 327.** To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure renewal and reclassification of their licenses.

Committee on Governmental Affairs

By Senator Figures:

**S. 328.** To provide for an energy and weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

Committee on Governmental Affairs

By Senator McClain:

**S. 329.** Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

Committee on Health  
and Human Resources

By Senators Roberts and Butler:

**S. 330.** To clarify the provisions of Article 2A of Chapter 10 of Title 41 of the Code of Alabama 1975, by adding a Section 41-10-44.16 thereto providing that the members, owners, or partners of an approved company which is a limited liability company or a partnership shall be entitled to receive the credit against Alabama corporate income tax liability provided by Article 2A; and to provide that the employment and capital expenditure requirements shall be applied to the project and that it shall not be a requirement that the entity which is the obligor on project obligations or which employs persons at the project be the same entity or entities which receive the credit against Alabama income tax liability.

Committee on Industrial Development  
and Recruitment

By Senator Waggoner:

**S. 331.** Exempting certain persons from state licensure, registration, and certification requirements who are in the state to render certain services for the Games of the Twenty-Sixth Olympiad and the Games of the Tenth Paralympiad to be held, in part, in Alabama in 1996; to provide for consent for certain medical services; and to provide for repeal of this act on December 31, 1996.

Committee on Health  
and Human Resources

By Senators Bedford, Roberts, Smitherman, Little, Lindsey, and Windom:

**S. 332.** To amend Section 41-23-24, Code of Alabama 1975, the Alabama Enterprise Zone Act, by providing that the tax incentives shall also be available to new and expanding small businesses adding employees and making certain capital investments in an enterprise zone.

Committee on Judiciary

By Senators Bedford, Roberts, Smitherman, and Windom:

**S. 333.** Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

Committee on Judiciary

By Senator Bedford:

**S. 334.** To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

Committee on Judiciary

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

**H. 59.** To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 59 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow:

**H. 80.** To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 80 - to the Committee on Local Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Thomas (D):

**HJR 19.** URGING RESISTANCE TO AND TOTAL REJEC-



TION OF ANY ATTEMPT BY THE FEDERAL GOVERNMENT TO INTERJECT ITSELF INTO THE EDUCATIONAL AFFAIRS OF THE STATE.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 19, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Morrow, Hall (A), Page, Drake, Starkey, Hill, Millican, Knight (A), Hawk, and Morrison:

**HJR 17. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.**

WHEREAS, certain Social Security recipients born between 1917 and 1921 are receiving reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, "Notch Babies" who reached age 62 between 1979 and 1983 have been forced to accept a substantial decrease in benefits under the new computation method as opposed to what their benefits would have been under the old method used prior to 1977; and

WHEREAS, Congress has allowed this inequity to continue without resolution since it was first brought to their attention in 1982; and

WHEREAS, Congress established a Commission on the Social Security "Notch" Issue which concluded that the Social Security recipients born between 1917 and 1921 should continue to receive the reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, Congress should disregard the conclusion of the

Commission because this conclusion continues the inequities that the 1977 congressional legislation created; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the Congress of the United States to take the necessary legislative action during its 1995 session to correct the "Notch Baby" Social Security inequity.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to every member of the Alabama congressional delegation.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 46.** RECOGNIZING HISTORIC DEVEREUX HILL IN ANDALUSIA, ALABAMA, AND REQUESTING THAT A SIGN BE PLACED THEREON.

### HOUSE MESSAGE

The Resolution, HJR 46, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

REGULAR SESSION  
3rd Day

173

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hamilton, Hammett, Warren, Ford, Starkey, Turnham, Laird, Carothers, Parker (T), Newton (C), Layson, Johnson (R), Millican, and Reed:

**HJR 30.** REQUESTING THE ALABAMA SECRETARY OF STATE TO FURNISH ONE COPY OF THE BOUND ACTS AND ONE COPY OF THE BOUND JOURNALS UPON REQUEST TO MEMBERS OF THE ALABAMA LEGISLATURE.

WHEREAS, pursuant to Section 29-1-12 of the Code of Alabama 1975, the Secretary of the Senate and the Clerk of the House of Representatives are responsible for checking, comparing, completing, and filing the journals of their respective houses in the Office of the Secretary of State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, only upon written request of a member of the Legislature, the Alabama Secretary of State shall furnish one copy of the bound acts and one copy of the bound journals to that member.

BE IT FURTHER RESOLVED, That copies of this resolution be given to the Secretary of State, the Secretary of the Senate, and the Clerk of the House of Representatives.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 70.** RELATIVE TO MEETING DAYS.

**3rd Day**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, May 4, 1995, they adjourn to meet again on Tuesday, May 9, 1995, and when they adjourn on Tuesday they adjourn to meet again on Thursday, May 11, 1995, and when they adjourn on Thursday they adjourn to meet again on Tuesday May 16, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, May 17, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, May 18, 1995.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 70, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following Resolution:

By Reps. Kennedy, Turner, Buskey, Clark (W), Mitchell, Gaston, Dean, Pringle, Crigler, and Box:

**HJR 9.** MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Figures, the Rules were suspended and the Resolution, HJR 9, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Sanderford and Page:

**HJR 6.** HONORING GENERAL CARL E. MUNDY, JR.,  
COMMANDANT UNITED STATES MARINE CORPS.

Also:

By Reps. Boyd and Sims:

**HJR 14.** DESIGNATING ALABAMA HIGHWAY 275 AT  
HIGHWAY 77 IN TALLADEGA COUNTY, "THE JIMMY GRANT  
FREEMAN BYPASS."

Also:

By Reps. Morrow, Hall (A), Millican, Starkey, Black (M), and Hamilton:

**HJR 18.** MOURNING THE TRAGIC DEATH OF ANDREA  
GONZALEZ.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Hill, the Rules were suspended and the Resolution, HJR 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 18, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. White:

**HJR 47. COMMENDING POLICE OFFICER LARRY HAMMONDS FOR OUTSTANDING HEROISM.**

WHEREAS, Poarch Creek Indian Reservation Police Officer Larry Hammonds is indeed deserving of highest commendation for his quick, decisive and courageous actions in coming to the rescue of victims of a fiery head-on collision on December 14, 1994; and

WHEREAS, while driving on U.S. Highway 31 North of Atmore, Officer Hammonds witnessed the car immediately in front of him hit a strayed cow in its path, swerve to the opposite lane, crash into an oncoming car, and burst into an inferno of flames; and

WHEREAS, Officer Hammonds, realizing the urgency of the situation, reacted swiftly and deliberately, and without regard for his own personal safety, summoning rescue units, caring for the needs of the injured, and extinguishing the flames in the burning car, using two fire extinguishers to finally subdue the fire; the woman trapped inside the car was later freed and saved by the "jaws of life"; the man in the other car had miraculously managed to crawl from the crash scene despite two broken legs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary heroism, highest commendation is hereby accorded Police Officer Larry Hammonds, whose valiant action exemplifies the highest degree of concern of one human being for another.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Officer Hammonds as an expression of honor and esteem.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 47, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 45.** DESIGNATING A PORTION OF U.S. HIGHWAY 29 AND COUNTY ROAD 43 IN COVINGTON COUNTY AS "THE HISTORIC THREE NOTCH TRAIL."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. Highway 29, which begins at the Escambia County/Covington County line, and proceeds northeast through the City of Andalusia, Alabama, to the Town of Heath, Alabama, and Covington County Road 43 in its entirety, are hereby named and designated, and shall henceforth and forever be known, as "The Historic Three Notch Trail."

BE IT FURTHER RESOLVED, That the proper authorities are authorized to erect and maintain appropriate signs and markers to reflect this designation.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 45, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Smith:

**HJR 48.** COMMENDING THE MAPLESVILLE LADY RED

**DEVILS ON THE ALABAMA CLASS 1A BASKETBALL CHAMPIONSHIP.**

Also:

By Reps. Venable and Johnson (R):

**HJR 49.** COMMENDING THE COOSA COUNTY CENTRAL HIGH SCHOOL COUGARS ON THE 1995 STATE 4A BASKETBALL CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

**HOUSEMESSAGE**

On motion of Senator Armistead, the Rules were suspended and the Resolution, HJR 48, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 49, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Thomas (D), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt,



Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, and Wren:

**HJR 50.** HONORING LISA BRADEN FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Reps. Thomas (D), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, and Wren:

**HJR 51.** COMMENDING THE SPRINGVILLE HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 50 and 51, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Parker (T):

**HJR 27.** RECOGNIZING WITH COMMENDATION THE

## 175TH ANNIVERSARY OF COKER BAPTIST CHURCH.

GREG PAPPAS,  
Clerk.

**HOUSEMESSAGE**

On motion of Senator Steele, the Rules were suspended and the Resolution, HJR 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gipson:

**HJR 24.** COMMENDING THE AUTAUGAVILLE HIGH SCHOOL EAGLES AS THE 1995 STATE CLASS 1A BASKETBALL CHAMPIONS.

Also:

By Reps. Holmes, McClammy, Knight (J):

**HJR 31.** HONORING DR. WILLIAM HAMILTON HARRIS ON BEING INAUGURATED AS PRESIDENT OF ALABAMA STATE UNIVERSITY.

Also:

By Reps. Hall (A) and Hinshaw:

**HJR 32.** COMMENDING THE BUCKHORN BUCKS BASKETBALL TEAM OF NEW MARKET, ALABAMA, FOR WINNING THE CLASS 5A STATE BASKETBALL TITLE.

Also:

By Reps. Hall (A) and Hinshaw:

**HJR 33.** COMMENDING THE HAZEL GREEN LADY TRO-

JANS, STATE 5A BASKETBALL CHAMPIONS.

GREG PAPPAS,  
Clerk.

**HOUSEMESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 24, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 31, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Freeman, the Rules were suspended and the Resolutions, HJR's 32 and 33, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gaston:

**HJR 20.** COMMENDING VINCENT BRADLEY NEWBILL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Gaston:

**HJR 21.** COMMENDING DOROTHY A. GILROY KNAPP FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Gaston:

**HJR 22.** COMMENDING VICTOR A. MCSWAIN, P.E. OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

**3rd Day**

Also:

By Reps. Gipson and Smith:

**HJR 23.** COMMENDING JIMMY SANFORD OF PRATT-VILLE, ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 20, 21, 22, and 23, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Department of Industrial Relations Board of Appeals.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 27th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Young Wilkerson Stevenson of Montgomery, Alabama, to serve as chairman of the Alabama Department of Industrial Relations Board of Appeals effective April 26,

REGULAR SESSION  
3rd Day

183

1995. He will be representing the 7th Congressional District. His term will expire April 25, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 27th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to serve as Chairman of the Alabama Department of Industrial Relations Board of Appeals, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Farmers' Market Authority Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 27th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John Morris of Warrior, Alabama, to serve as a member of the Alabama State Farmers' Market Authority Board effective April 3, 1995. He will be representing

the 6th Congressional District. His term will expire April 2, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 27th day of April, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Farmers' Market Authority Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Farmers' Market Authority Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 27th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Hoyt Adair of Moulton, Alabama, to serve as a member of the Alabama State Farmers' Market Authority Board effective April 3, 1995. He will be representing

the 4th Congressional District. His term will expire April 2, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 27th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Farmers' Market Authority Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Farmers' Market Authority Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 27th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Mike Reeves of Hartselle, Alabama, to serve as a member of the Alabama State Farmers' Market Authority Board effective April 3, 1995. He will be representing the 5th Congressional District. His term will expire April 2, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 27th day of April, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Farmers' Market Authority Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Farmers' Market Authority Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 27th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Leslie Hatchett of Grand Bay, Alabama, to serve as a member of the Alabama State Farmers' Market Authority Board effective April 3, 1995. He will be representing the 1st Congressional District. His term will expire April 2, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 27th day of April, 1995.



REGULAR SESSION  
3rd Day

187

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Farmers' Market Authority Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Farmers' Market Authority Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 27th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. W. S. Phillips of Equality, Alabama, to serve as a member of the Alabama State Farmers' Market Authority Board effective April 3, 1995. He will be representing the 3rd Congressional District. His term will expire April 2, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 27th day of April, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Alabama State Farmers' Market Authority Board, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Farmers' Market Authority Board.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 27th day of April, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. David Pearce of Browns, Alabama, to serve as a member of the Alabama State Farmers' Market Authority Board effective April 3, 1995. He will be representing the 7th Congressional District. His term will expire April 2, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 27th day of April, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Farmers' Market Authority Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dolbare (With Notice and Proof):

**H. 19.** Relating to Clarke County; providing for the pistol permit fee of the sheriff; providing for the distribution of the funds; providing for the establishment of a fund known as "The Sheriff's Fund"; providing for an audit of the funds; and providing for the repeal of Act No. 294. H. 1052, 1977 Regular Session (Acts 1977, p. 396).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Clark (J) (With Notice and Proof):

**H. 61.** Relating to Henry County; amending Act No. 93-386, H. 828, 1993 Regular Session, which provided for additional court costs, to provide further for those costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 61, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

**H. 88.** Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 19, 61, and 88 - to the Committee on Local Legislation No. 1

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dolbare (With Notice and Proof):

**H. 1.** Relating to Washington County; requiring the Washington County Tax Collector to be responsible for all delinquent tax collections.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Dolbare (With Notice and Proof):

**H. 2.** To alter or rearrange the boundary lines of the Town of Toxey, Choctaw County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 2, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Smith (With Notice and Proof):

**H. 101.** Relating to Chilton County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Smith (With Notice and Proof):

**H. 103.** Relating to Chilton County; providing for an additional expense allowance and salary for the coroner; and providing for the expiration of the expense allowance.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 103, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

**H. 223.** To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

**3rd Day**

ATTACHED TO THE BILL, HB 223, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

**H. 224.** Relating to Lawrence County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 224, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1, 2, 101, 103, 223, and 224 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (D):

**H. 40.** To adopt and incorporate into the Code of Alabama

REGULAR SESSION  
3rd Day

193

1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Also:

By Reps. White, Warren, and Hooper:

**H. 74.** To amend Section 29-2-20, Code of Alabama 1975, to add additional members to the Joint Prison Committee.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

HB 40 - to the Committee on Governmental Affairs

HB 74 - to the Committee on Judiciary

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 38.** SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the Third legislative day of the 1995 Regular Session only:

**S. 110**

Legislature may hire retirees who fall under Employees'

Page  
1

**3rd Day**

Retirement System with no suspension of pension benefits if hired under cert. conditions

- |  |    |
|--|----|
| <b>S. 60</b>   | 5  |
| Criminal trials, use of deposition and videotaped deposition of victim or witness, Secs. 12-21-260, 12-21-261, 12-21-262 repealed  |    |
| <b>S. 1</b>  | 3  |
| Require Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates.  |    |
| <b>S. 5</b>  | 4  |
| Marihuana or cannabis, trafficking, to include stalks, seeds, and stems, exceptions, Sec. 13A-12-231 am'd.   |    |
| <b>S. 63</b>   | 2  |
| Municipal sewer systems, landowner requesting connection req. to pay assessment, if previous assessment has expired and landowner has not paid previous assessment amt., plumbing conditional on payment |    |
| <b>S. 9</b>  | 11 |
| Senior Citizens Hall of Fame, membership and quorum further provided, Secs. 41-9-741, 41-9-742, 41-9-744 am'd.   |    |
| <b>S. 7</b>  | 11 |
| Real estate, rights and duties of real estate agents and licensees in relation to buyer and seller, estab.   |    |
| <b>S. 225</b>  | 8  |
| Wallace Plan for Linked Deposits, termination date extended to Sept. 30, 1999, Sec. 5-21-11 am'd.  |    |
| <b>S. 59</b>   | 9  |
| To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.   |    |
| <b>S. 6</b>  | 11 |
| State Employee Combined Charitable Campaign, st. employee campaign steering committee duties, distrib. of undesignated contributions, Secs. 36-1A-3, 36-1A-4, 36-1A-6 am'd.                              |    |



REGULAR SESSION  
3rd Day

195

**S. 206**

7

Tannehill Furnace and Foundry Commission renamed the Alabama Historic Ironworks Commission, Secs. 41-9-320, 41-9-325 to 41-9-328, 41-9-330 am'd.

On motion of Senator Lindsey, the Resolution was adopted by the Senate.

**REPORTS OF COMMITTEES**

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 134.** To propose an amendment to the Constitution of Alabama of 1901, relating to Mobile County, limiting the police jurisdiction and the planning and zoning authority of municipalities in the county.

The above Bill was read a second time at length as required by the Constitution.

By Senator Freeman:

**S. 241.** Relating to motor vehicles; to amend Sections 40-12-290 and 40-12-291 of the Code of Alabama 1975; to provide for the issuance of a two-year antique license plate or tag only for those vehicles operated as a collector's item; to increase the renewal fee; to prescribe penalties for violating this act; and to delete the provision that the plate or tag is valid without renewal.

By Senator Freeman:

**S. 240.** To require the reasonable posting of personnel vacancies by public school systems, public schools or colleges under the control of the State Board of Education, and certain other public educational institutions before the positions are filled.

By Senator Freeman:

**S. 242.** Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment

**3rd Day**

of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**S. 18.** To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

By Senator Bailey:

**S. 46.** To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Substitute):

**S. 58.** To amend Sections 8-14-20, 34-4-6, 34-4-7, 34-4-27, 34-4-30, and 34-4-50 of the Code of Alabama 1975, relating to auctioneers; to provide further for sales at auction; membership on the State Board of Auctioneers; to establish the State Auctioneer's Recovery Fund; to remove the bonding requirement; to provide for penalties; and to specifically repeal Sections 8-14-21 and 34-4-24 of the Code of Alabama 1975.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

REGULAR SESSION  
3rd Day

197

report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 111.** Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Substitute):

**S. 123.** To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 to 11-50-241, inclusive, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 to 10-4-194, inclusive, Sections 11-88-1 to 11-88-21, inclusive, Sections 11-88-40 to 11-88-111, inclusive, or Sections 11-89-1 to 11-89-19, inclusive, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 to 11-50-241, inclusive, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Senator Mitchell, Chairperson of the Standing Committee on

**3rd Day**

Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Amendment):

**S. 208.** To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Butler:

**S. 211.** To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon, Butler, and Sanders (With Amendment):

**S. 227.** Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dixon:

**S. 232.** To allow state employees who have received appropri-

REGULAR SESSION  
3rd Day

199

ate training and who volunteer for American Red Cross operations paid leave.

By Senators Smitherman, Escott-Russell, McClain, and Waggoner:

**S. 267.** Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Jaycees; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Senator Ghee, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

**S. 70.** To amend Section 16-5-4 of the Code of Alabama of 1975, relating to the appointment, confirmation, and reconfirmation process of the Executive Director of the Alabama Commission on Higher Education, to delete the requirement that the executive director be reconfirmed every four years by the Alabama Senate.

By Senator Dixon:

**S. 234.** To amend Section 32-6-301 of the Code of Alabama 1975, relating to the use of net proceeds derived from the sale of "Helping Schools" tags; and to provide that the purchaser of "Helping Schools" tags may designate the school to receive the funds.

By Senator Ghee:

**S. 245.** To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

Senator Ghee, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

**S. 255.** To establish the "Alabama Child Nutrition Law"; to

require local boards of education to establish school breakfast and lunch programs beginning with the 1995-96 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Senator Ghee, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 256.** To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith:

**S. 35.** To amend Section 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property, to constitute theft of property in the second or third degree.

By Senator Hale:

**S. 205.** To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Butler (With Amendment):

**S. 212.** To establish the Alabama Small Business Research Development Program within the Alabama Department of Economics and

Community Affairs and to make an appropriation to the program.

Senator Amari, Chairperson of the Standing Committee on Business and Labor, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Amari, Hale, Armistead, Butler, and Little:

**S. 74.** To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

By Senator Clay:

**S. 275.** To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

By Senators Armistead, Adams, Bailey, Lindsey, Smith, Lipscomb, and Davidson:

**S. 276.** To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Senator Barron, Chairperson of the Standing Committee on Finance and Taxation General Fund, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Barron, Langford, Poole, Dial, Bedford, Windom, and Waggoner:

**S. 89.** To repeal Section 24-1A-9 of the Code of Alabama

1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

By Senator Windom:

**S. 133.** To amend Section 28-3-11, Code of Alabama 1975, relating to the export of alcoholic beverages to another state to specifically exempt alcoholic beverages purchased from the Alcoholic Beverage Control Board for export to another country from taxes collected by the board.

By Senator Barron:

**S. 146.** To amend Section 4 of Act No. 93-133, H. 285, 1993 Regular Session in order to continue the circuit and district court fee increases established by Act No. 92-227, H. 605, 1992 Regular Session.

By Senator Barron:

**S. 251.** To amend Section 40-12-84 of the Code of Alabama 1975, relating to privilege taxes levied on construction companies or contractors, to increase the basis of the gross amount of all orders or contracts accepted for the privilege taxes levied with certain exceptions.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**S. 22.** To amend Section 32-6-233.1, Code of Alabama 1975, relating to unauthorized parking of a motor vehicle in a place designated for handicapped parking, so as to increase the fine; and to further provide that municipalities may, by ordinance, levy additional fines.

By Senator Ghee:

**S. 29.** To amend Section 40-12-290 of the Code of Alabama 1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties



for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

By Senator Roberts:

**S. 55.** To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

By Senator Mitchell:

**S. 85.** To provide further for the purchase of service credit by members of the Teachers' Retirement System.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Waggoner, Hale, Dial, Little, Dixon, Adams, and Davidson  
(With Substitute):

**S. 217.** Proposing an amendment to the Constitution of Alabama of 1901, to phase-out the current supernumerary program for county officials.

The above Bill was read a second time at length as required by the Constitution.

## REPORT FROM CONFIRMATIONS

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jack Ravan to serve as Director of the Alabama State Docks

On motion of Senator Windom, the appointment of Mr. Ravan was confirmed by the Senate.

**3rd Day**

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 3.** ELECTING A LEGISLATIVE REPRESENTATIVE TO THE GULF STATES MARINE FISHERIES COMMISSION.

Also:

**SJR 4.** RECOGNIZING THE SPACE SHUTTLE MAIN ENGINE PROGRAM AND MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 8.** MOURNING THE DEATH OF KELLY ANTONETTE DEFOE OF ATHENS, ALABAMA.

Also:

**SJR 9.** MOURNING THE DEATH OF REGINA FAYE CLARK OF ATHENS, ALABAMA.

Also:

**SJR 10.** MOURNING THE DEATH OF ARTHUR ALLEN MING OF ATHENS, ALABAMA.

Also:

**SJR 11.** SUSTAINING THE DISAPPROVAL BY THE JOINT

COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA MEDICAID AGENCY'S PROPOSED AMENDMENT OF RULE NO. 560-X-16-.09, ENTITLED "PRIOR AUTHORIZATION."

Also:

**SJR 13.** COMMENDING THE ALABAMA CHILDREN'S REHABILITATION SERVICE ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

Also:

**SJR 14.** COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1995 STATE 6A BASKETBALL CHAMPIONSHIP.

Also:

**SJR 15.** COMMENDING CLYDE B. ANDERSON OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 16.** COMMENDING CAROLINE SELF, ALABAMA'S 1995 JUNIOR MISS.

Also:

**SJR 17.** MOURNING THE DEATH OF JESSE J. LEWIS, JR., OF BIRMINGHAM, ALABAMA.

Also:

**SJR 18.** COMMENDING COACH DON COX, 4A-6A FOOTBALL COACH OF THE YEAR.

Also:

**SJR 19.** COMMENDING DERON DAVIS OF HUEYTOWN, ALABAMA.

Also:

**SJR 20.** NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."

Also:

**SJR 24.** COMMENDING YETTA G. SAMFORD, JR., FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

**SJR 25.** HONORING DR. WAYNE TEAGUE FOR HIS TWENTY-YEAR SERVICE TO ALABAMA AS STATE SUPERINTENDENT OF EDUCATION.

Also:

**SJR 26.** HONORING THE CENTRAL HIGH SCHOOL COUGARS FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 27.** RECOGNIZING SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION, INC.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **RESOLUTIONS**

Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 39.** COMMENDING G. MACK ROBERTS FOR OUTSTANDING SERVICE.

WHEREAS, it is with great pleasure and pride that the Alabama Legislature recognizes Mr. G. Mack Roberts for his many years of dedicated service to the Alabama Highway Department, renamed the Alabama Department of Transportation in 1993; and

WHEREAS, a native of Cherokee County, Alabama, born April 30, 1936, Mr. Roberts has most recently served as the Director of the Alabama Department of Transportation beginning with his appointment by former Governor Jim Folsom on June 4, 1993; and

WHEREAS, serving the Department of Transportation since 1956, Mr. Roberts was a District Engineer in Gadsden, State Road and Bridge Maintenance Engineer, Project Engineer, and furthermore held such positions as Assistant Director of the Alabama Highway Department under former Governors George Wallace and Guy Hunt, and Director of the Alabama Highway Department under Governor Guy Hunt in 1993; and

WHEREAS, active in such organizations as American Society of Engineers, Civitan Civic Club, and State of Alabama Aeronautics Commission, G. Mack Roberts has served as president of the Southeastern Association of State Highway and Transportation Officials (SASHTO), vice-president of the American Association of State Highway and Transportation Officials (AASHTO), and president of the Alabama Industrial Access Corporation; and

WHEREAS, G. Mack Roberts received his education from Jacksonville State University, and the University of Alabama at Birmingham; he and his wife, Dian Ford, are the proud parents of four children, and are devoted members of First United Methodist Church in Montgomery, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of 39 years of dedicated service to the Alabama Department of Transportation, we hereby accord highest commendation and sincerest appreciation to G. Mack Roberts, and furthermore direct that a copy of this resolution be provided as evidence of our highest personal regard and tribute.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Smith, Dial, Butler, Amari, Mitchem, Smitherman, Waggoner, Adams, Hill, Armistead, Hale, Poole, Denton, Myers, Bedford, Dixon, Little, Barron, Biddle, Freeman, Clay, Steele, Davidson, Ghee, McClain,

Bailey, Windom, and Lipscomb offered the following Senate Joint Resolution, to-wit:

**SJR 40. EXPRESSING SUPPORT FOR JUDGE ROY MOORE.**

WHEREAS, it has come to our attention that Judge Roy Moore of the 16th Judicial Circuit is currently being sued by the American Civil Liberties Union pursuant to a First Amendment complaint under the Freedom of Religion Clause for the display of the Ten Commandments and for having prayer before convening the court; and

WHEREAS, the distorted interpretation of the First Amendment by the United States Supreme Court has evolved from a separation-of-church-and-state doctrine to an almost exclusively anti-religion-in-any-form doctrine, which is certainly not in keeping with the philosophies and practices of the Framers of the Constitution; and

WHEREAS, many of the basic covenants found in the Ten Commandments, such as "Thou shalt not kill," "Thou shalt not steal," and "Thou shalt not bear false witness against thy neighbor" are found at the very core of our criminal justice system; and

WHEREAS, this nation was founded on the concept that each individual should be free to reasonably express his or her moral, spiritual, or religious convictions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support Judge Roy Moore's right to display the Ten Commandments and to have prayer before convening court.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to him to express our support.

On motion of Senator Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Myers and Figures offered the following Senate Joint Resolution, to-wit:

**SJR 41. RECOGNIZING MOBILE AREA WATER AND SEWER SERVICE AND DESIGNATING NATIONAL DRINKING WATER WEEK.**

WHEREAS, May 7 through 13, 1995, is National Drinking Water Week across the United States of America; and

WHEREAS, on May 10, 1995 in Mobile, the Mobile Area Water and Sewer Service will be named the Number One Large Water Supplier in the United States Environmental Protection Agency Region IV and will receive the Public Water System Excellence Award for 1995, presented by Deputy Administrator of EPA Patrick Tobin; and

WHEREAS, The Board of Commissioners of the Mobile Area Water and Sewer Service and the entire staff are to be commended for this honor which they are to receive; and

WHEREAS, During National Drinking Water Week, it is appropriate that we recognize National Drinking Water Week in Mobile, Mobile County, and the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend the Mobile Area Water and Sewer Service and designate May 7 through 13, 1995 as National Drinking Water Week in Mobile, Mobile County, and Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to the Board of Commissioners of the Mobile Area Water and Sewer Service as an expression of our sincere pride and appreciation.

On motion of Senator Myers, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Lindsey offered the following Senate Joint Resolution, to-wit:

**SJR 42. TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.**

Which was read and referred to the Standing Committee on Rules.

### NOTICE IN WRITING

Senators Little, Dial, and Clay offered the following Notice in Writing, to-wit:

NOTICE IN WRITING  
OF MOTION TO AMEND RULES

Notice is given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Rule 21 of the Rules of the Senate of the Legislature of Alabama relating to committees as follows:

(21) There shall be ~~three (3)~~ four (4) Local Legislative Committees described as follows:

(a) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 300,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The committee on Local Legislation No. 1 shall consist of seven (7) members.

(b) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of seven (7) members.

(c) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

(d) Local Legislation No. 4, to which committee shall be referred all bills and other matters concerning local legislation in Lee County. Local legislation under this rule shall consist of any political subdivision of the county less than the whole. The Committee on Local Legislation No. 4 shall consist of three (3) members.

Which was read and ordered filed with the Secretary.

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., SB 110, adopted.

Yeas 28 Nays 1



**REGULAR SESSION  
3rd Day**

211

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smitherman, Steele, and Windom -28

Nay: Senator Amari

- 1

**SPECIAL ORDER  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**S. 110.** To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

And said Bill, SB 110, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Poole B.I.R., SB 60 adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Langford, Lip-

scomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith-  
erman, Steele, Waggoner, and Windom -29

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 60.** To provide for the taking of a deposition or a video-taped deposition of a victim or a witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons or other exceptional circumstances; to provide for the use of the depositions; to authorize rules by the Alabama Supreme Court; and to specifically repeal Sections 12-21-260, 12-21-261, and 12-21-262 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Bedford B.I.R., SB 1, adopted.

Yeas 29 Nays 1

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nay: Senator Davidson - 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 1.** To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

was taken up.

Senator Little offered the following amendment to the Bill, SB 1, to-wit:

**AMENDMENT TO SB 1**

Amend Senate Bill 1 on Page 4, Line 23, by inserting the following new Section 5 and renumbering all subsequent sections:

Section 5. The manual labor program implemented by the department pursuant to this act may be used for cleaning or maintaining or the removal of litter, trash, or rubbish from any private cemetery or church property. The manual labor program may also be used for the removal of litter, trash, or rubbish dumped or otherwise deposited on private property when the presence of the litter, trash, or rubbish has been determined to be a public or private nuisance by a court of competent jurisdiction.

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Langford, Lind-

sey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays: - 0

Senator Barron offered the following amendment to the Bill, SB 1, as amended, to-wit:

### AMENDMENT TO SB 1, AS AMENDED

Amend Senate Bill 1, as amended, on page 4, after line 22 by inserting the following new Section 6 and renumbering all subsequent sections accordingly.

“Section 6. Certain exemptions may be provided as are required for the orderly and necessary operations of the correctional system, its institutions, programs, services, and educational programs which have been shown to reduce recidivism as currently provided for by statute.”

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

And said Bill, SB 1, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Butler, B.I.R., SB 5, adopted.

Yeas 28 Nays 1

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -28

Nay: Senator Amari

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 5.** To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman, B.I.R., SB 63, adopted.

Yeas 30 Nays 0

**3rd Day**

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 63.** To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Langford, B.I.R., SB 9, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**3rd Day****BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 9.** To amend Sections 41-9-741, 41-9-742, and 41-9-744 of the Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Denton, B.I.R., SB 7, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 7.** To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon

**3rd Day**

initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

was taken up.

On motion of Senator Denton, the Rules were suspended and further consideration of the Bill, SB 7, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Windom, B.I.R., SB 225, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 225.** To amend Section 5-21-11, Code of Alabama 1975, relating to the plan for linked deposits, to continue the termination date of the plan until September 30, 1999.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, SB 225, to-wit:

**SUBSTITUTE FOR SB 225**

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.



BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, are amended to read as follows:

“§5-21-2.

“The legislative purpose and intent of this chapter is to create a plan for emergency interim deposits as herein defined and for linked deposits in this state in which the State Treasurer is authorized to deposit or invest a portion of the state’s portfolio of investments with participating lending institutions in relatively low-yielding deposit accounts, certificates of deposit, or other authorized investments, where the institutions have made commitments to make available lower cost loans on the basis of these linked deposits for qualifying private farm and small business borrowers;~~or for qualifying applicants to state sponsored housing assistance programs.~~ The further legislative intent is that ~~such~~ the lower cost loans will result in a significant contribution to the economic and agricultural growth and development of the state, and will assist in maintaining or improving business and agricultural profitability as well as preserving and creating jobs for Alabama citizens.”

“§5-21-3.

“For purposes of this chapter, the following terms shall have the meaning hereinafter ascribed to them, unless the context clearly indicates otherwise:

“(1) PLAN. The Wallace Plan for Linked Deposits, created in Section 5-21-4.

“(2) TREASURER. The Treasurer for the State of Alabama.

“(3) LENDING INSTITUTION or ELIGIBLE LENDING INSTITUTION or LENDER. All state banks, savings and loan associations, and any other lending institutions of this state which are or shall become a depository of state funds, which agree to participate in a linked deposit plan.

“(4) LINKED DEPOSIT or LINKED DEPOSIT PLAN. An agreement between the treasurer and an eligible lending institution whereby a deposit is placed with the institution at a rate of return which is up to three percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of the deposit to eligible agricultural and business operations,~~and state spon-~~

**3rd Day**

~~sored housing assistance program participants~~, at a correspondingly reduced rate of interest, as hereinafter provided.

“(5) **ELIGIBLE AGRICULTURAL OPERATION.** Any person, corporation, partnership, or other entity which is engaged in the production of agricultural, livestock, poultry, timber, dairy, or fruit or other horticultural products and which:

“a. Derives at least 70 percent of its gross income from such production; and

“b. Operates exclusively in Alabama.

“(6) **ELIGIBLE BUSINESS OPERATION.** Any person, proprietor, corporation, partnership, or other entity which:

“a. Is headquartered in Alabama;

“b. Is organized for profit;

“c. Maintains facilities exclusively in Alabama;

“d. Has no more than 150 employees at the time it applies for a loan under the plan;

“e. For loans of \$250,000 or less, demonstrates to the lending institution that ~~a significant number of jobs are for every \$15,000 loaned at least one job is~~ sustained or created as a result of the loan; and

“f. For loans ~~in excess of~~ from \$250,000 ~~to \$500,000~~, demonstrates to the lending institution that for each \$10,000 worth of loan proceeds approved, at least one new job is created within the state.

“(7) **EMERGENCY INTERIM DEPOSITS.** Deposits discretionarily made by the treasurer in support of loans made by eligible lending institutions to persons, businesses, organizations, or local governments which have suffered loss, and which are located in areas in which property loss has occurred due to fire, flood, tornado, hurricane, or other act of God, or other natural or man-made disaster.

“(8) ~~**STATE SPONSORED HOUSING ASSISTANCE PROGRAMS.** Those programs established by the treasurer, either independently or in conjunction with other state agencies, designed to assist qualified applicants with housing, including home ownership, and operated in conjunction with this chapter.”~~

“§5-21-4.

“(a) The Wallace Plan for Linked and Emergency Interim Deposits, hereinafter referred to as “the plan” is created. The State Treasurer is authorized, effective ~~April 7, 1988~~ October 1, 1995, and until September 30, ~~1995~~ 1999, to use up to ~~15~~ 12 percent of the total amount of investment funds of the state portfolio for the plan as linked deposits for eligible loans or for emergency interim deposits, as herein defined, made at the treasurer’s discretion.

“(b) The term of any emergency interim deposit shall not exceed one year, and the deposit shall be made at a rate of return which is up to ~~three~~ two percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of the deposit at a correspondingly reduced rate of interest.

“(c) The term of any linked deposit made to support a loan made to a qualifying applicant to a state sponsored housing assistance program shall not exceed five years.”

“§5-21-5.

“(a) Pursuant to the plan, agricultural operations loans would be limited to a maximum amount of \$100,000.00; however, the treasurer is authorized to provide for a lower maximum amount. Such loans shall be limited to a term of one year or less and the linked deposit on which any such loan is based shall have the same maturity date as the loan. In addition, an agricultural operation must qualify as an eligible agricultural operation, as defined in section 5-21-3 hereof, in order to qualify for such a loan. An eligible agricultural operation may receive one or more annual linked deposit loans for a total of up to four years.

“(b) Pursuant to the plan, business operations loans shall have ~~no a maximum amount; however, such loans in excess of \$250,000.00 must meet the requirements of section 5-21-3(6) hereof of \$500,000.~~ The linked deposit upon which any business operations loan is based shall not be for a term longer than two years. In the event that the lending institution and the borrower agree to a longer term for the loan, then the interest rate charged to the borrower for the term of the loan beyond the initial two-year period shall be agreed to by the lending institution and the borrower without restriction by this chapter. The proceeds of any such business loan may be used for either working capital or fixed asset financing.

“(c) In addition to the requirements of this section and to those requirements of section 5-21-3(6), an eligible business operations loan bor-

**3rd Day**

rower must demonstrate to the lender that an overall expected benefit of the loan is the creation or sustaining of at least one job for every \$15,000.00 of loan proceeds for loans up to \$250,000.00. It is further provided, however, that the treasurer may waive the requirements of this subsection with the written approval of the lending institution.”

“§5-21-7.

“The treasurer shall determine the rate, term, method, and date of payment of interest on each linked deposit. Generally, the treasurer shall price the deposit based upon similar alternative financing options for like-term investments, reduced by up to ~~three~~ two percentage points, in arriving at the linked deposit rate of interest in his agreement with any lending institution. For loans with a maturity date of two years or longer, the treasurer shall base the interest rate of the linked deposit primarily upon two year United States treasury notes rate of return. However, the treasurer shall consider all other financial factors in arriving at a rate of interest on the linked deposit. The lending institutions shall make all credit and loan decisions, based on the criteria defined in this chapter. Loans made by lending institutions pursuant to the plan shall be made at a rate of interest which shall reflect a percentage point reduction equal to the percentage point reduction for the linked deposit rate of interest.”

“§5-21-9.

“The treasurer shall establish procedures and other requirements for participation in the plan, and shall provide simplified rules and loan application forms to the participating lending institutions for linked deposit loans. The forms shall reflect the specific requests for information required by this chapter for eligible agricultural; and business; ~~and housing~~ loans, respectively. Upon completion of any application for a loan pursuant to the plan, the lender shall send the application to the treasurer who shall either approve or reject the application in a timely manner. If approved, the treasurer shall deposit funds with the lender in accordance with the established procedures, and the deposits shall be secured in accordance with Section 41-14-35.”

“§5-21-11.

“The provisions of this chapter shall become effective April 7, 1988; and shall terminate September 30, ~~1995~~ 1999, unless specifically continued by an act of the legislature.”

Section 2. This act shall become effective on October 1, 1995, immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Windom offered the following amendment to the substitute for the Bill, SB 225, to-wit:

**AMENDMENT TO SUBSTITUTE FOR SB 225**

On page 4, line 4, strike the word “three” and insert in lieu thereof the word:

two

On page 6, lines 10, 11, and 12, strike in its entirety subsection (c).

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

And said Bill, SB 225, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., SB 59, adopted.

Yeas 30 Nays 0

Yeas:

**3rd Day**

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 59.** To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27 Nays 1

Yeas:

Senators:

Adams, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nay: Senator Little

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Langford, B.I.R., SB 6, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 6.** To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Ghee, B.I.R., SB 206, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 206.** To rename the Tannehill Furnace and Foundry Com-

**3rd Day**

mission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 3	SJR 9	SJR 13	SJR 16	SJR 19	SJR 25
SJR 4	SJR 10	SJR 14	SJR 17	SJR 20	SJR 26
SJR 8	SJR 11	SJR 15	SJR 18	SJR 24	SJR 27

Delivered to the Governor on May 3, 1995, at 2:50 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 3:55 P.M., on motion of Senator Mitchell, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Thursday, May 4, 1995, at 10 o'clock A.M.



## **FOURTH LEGISLATIVE DAY**

**THURSDAY, MAY 4, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Mr. Charles Moore, Deacon, Hall Memorial C.M.E. Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Melissa Dean, Bullock Memorial School, Union Springs, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Clay for today.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 1.** To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 225.** To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5,

5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

PAT LINDSEY,  
Chairperson.

## RESOLUTIONS

Senator Mitchem requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 43. COMMENDING MAYLOND T. BISHOP OF ARAB, ALABAMA, FOR DISTINGUISHED SERVICE.**

WHEREAS, on May 11, 1995, Maylond T. "Tommy" Bishop of Arab, Alabama, will be presented the Distinguished Service Award and, on this momentous occasion, the Alabama Legislature wishes to recognize and honor him for his distinguished service to law enforcement; and

WHEREAS, over the years, Sergeant Tommy Bishop enjoyed a successful tenure in law enforcement until, without warning, his promising career was suddenly and abruptly cut short by a tragic incident on July 16, 1993; and

WHEREAS, Sergeant Bishop began his career in public service in 1978 as a reserve deputy for the Marshall County Sheriffs Department, followed by a period of service with the Arab, Alabama Rescue Squad, where he served as chief for several years; and

WHEREAS, he joined the Guntersville Police Department in 1989, where he served as a patrolman and in the investigation and warrant divisions, and rose to the rank of sergeant and as supervisor of the night shift by 1993; and

WHEREAS, tragically, shortly after his promotion, while responding to a domestic violence call, Sergeant Bishop was struck from behind by an assailant's bullet which lodged in his spine, paralyzing him from the waist down; and

WHEREAS, through the difficult days to follow Sergeant Bishop has been sustained and blessed by the love and support of his devoted wife of 26 years, Mary Ann, his son, Brian and daughter-in-law, Lori, and by his scores of friends and working associates; and

**4th Day**

WHEREAS, Tommy Bishop is indeed a true exemplar of the brave and dedicated law enforcement officer who in the line of duty willingly places his own life at risk in his commitment to the protection, safety and well-being of his fellow citizens, and he is especially deserving of public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deepest gratitude and tribute to distinguished service to the Guntersville/Marshall County community and to the citizens of our state, highest commendation is hereby accorded Maylond T. "Tommy" Bishop of Arab, Alabama, for whom a copy of this resolution shall be provided.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Senators McClain, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 44. HONORING EVELYN G. STEPHENS ON THE OCCASION OF HER RETIREMENT.**

WHEREAS, it is with great pride and pleasure that the Alabama Senate honors Evelyn Stephens on the occasion of her retirement from 28 years of service in the Fairfield School System; and

WHEREAS, the daughter of the late Mr. and Mrs. George F. Stephens, Evelyn is presently a fourth grade teacher at C. J. Donald School where she is involved in the Parent Teachers Association; she is furthermore a graduate of Miles College and a member of the Miles College National Executive Board; and

WHEREAS, active in such notable educational and political organizations as the National Education Association, Alabama Education Association, and the Alabama Democratic Conference, Evelyn is a member of the Fairfield Industrial High School Local and National Alumni Association, and is Chairman of the Black History Library of the Fairfield Alumni; and

WHEREAS, Evelyn Stephens is also a dedicated member of Miles Chapel CME Church where she has served as a steward, chairman of the

Outreach Program, a class leader, and chairman of the Food Source Program; and

WHEREAS, Evelyn Stephens has served as a wonderful example to those countless youth she has guided through the years; she is furthermore a credit to her family, community, and this state; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby extend highest commendation and warmest congratulations to Evelyn Stephens on the occasion of her retirement from 28 years of service to the Fairfield School System, and furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Senator McClain, the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Hale:

**S. 335.** To amend Section 13A-10-37 of the Code of Alabama 1975, relating to the crime of promoting prison contraband in the second degree; to make the possession or promoting of any currency or coin not authorized by the written policies of the Department of Corrections within any correctional detention center or facility unlawful and punishable as a Class C felony under the contraband prohibition; to authorize the Department of Corrections to confiscate and liquidate any currency or coin contraband found on or in the possession of any inmate of the Department of Corrections; to require the department to provide notice relative to the policies on confiscating and liquidating currency or coin contraband to any inmate entering the prison system during processing; to provide that the net proceeds from the currency or coin contraband confiscated or liquidated shall be deposited in the operating fund for the department; and to provide for supplemental effect.

Committee on Judiciary

By Senator Hale:

**S. 336.** To amend Section 12-17-81, Code of Alabama 1975,

**4th Day**

relating to the salary of the circuit clerks and registers, to provide further for the compensation.

Committee on Fiscal Responsibility  
and Accountability

By Senators Hale and Butler:

**S. 337.** To provide for the appropriation of an amount equal to seventy-five percent (75%) of the amount appropriated for a newly created judgeship to the district attorney of the affected circuit to provide prosecution services to that court.

Committee on Judiciary

By Senators Bailey, Waggoner, Armistead, Hill, Adams, Smith, Freeman, Little, Denton, Hale, Windom, Myers, Lipscomb, Butler, Davidson, Dial, and Amari:

**S. 338.** To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-652, S. 280, 1994 Regular Session (Acts 1994, p. 1243), relating to driving under the influence of alcohol and drugs; to reduce the blood alcohol level necessary to create the presumption of driving under the influence from 0.10 percent or more by weight of alcohol to 0.08 percent and to increase the fine for each conviction.

Committee on Judiciary

By Senator Smitherman:

**S. 339.** To amend Sections 17-7-1, 17-8-2.1, and 17-16-40 of the Code of Alabama 1975, relating to elections; to provide further for including the names of candidates and political parties on the general election ballot.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

By Senators Bailey, Hale, Lipscomb, Hill, Mitchell, Adams, Armistead, Butler, Denton, Smith, Davidson, Steele, Little, Windom, Dial, Dixon, Waggoner, and Amari:

**S. 340.** To amend Section 26-21-1, et sequel, Code of Alabama 1975, the Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was

caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's or adoptive parent's signature to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

Committee on Judiciary

By Senator Waggoner:

**S. 341.** To amend Section 41-15-4 of the Code of Alabama 1975, to allow the State Insurance Fund to arrange for the salvage and sale of property and fixtures for which it has paid the insured value after a loss.

Committee on Governmental Affairs

By Senator Freeman:

**S. 342.** Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

Committee on Economic  
Expansion and Trade

By Senator Dial:

**S. 343.** To require the State Finance Department to develop and circulate a single business reply form to be used by state departments and agencies to obtain information from private businesses and to provide for an on-line computer network system to allow the private businesses to electronically file the reply form.

Committee on Small Business  
and Rural Development

By Senators Steele, Clay, Davidson, Sanders, and Smitherman:

**S. 344.** To amend Section 8-8-11 of the Code of Alabama 1975, to provide that when a partial payment is made on a judgment for child or spousal support, including medical support, the payment shall be applied first to the principal due and the balance of the payment, if any, would be applied to the payment of the interest.

Committee on Judiciary

By Senators Mitchell, Hale, Amari, Dial, Denton, Dixon, Waggoner, Hill, Lipscomb, Smith, Butler, Armistead, and Adams:

**S. 345.** To require hospitals to submit monthly reports to the State of Alabama Department of Public Health giving the number of patients admitted to such hospital for complications resulting from an attempted abortion or an abortion, the nature of the complication by its diagnostic name and the type of abortion; to require the reporting of the name of the facility where the attempted abortion or abortion was performed that resulted in the complication, if such facility is an abortion or reproductive health center as defined by regulations of the Department of Public Health; to require the Department of Public Health to prepare necessary forms and to implement the bill's enforcement.

Committee on Judiciary

By Senators Steele and Langford:

**S. 346.** To amend Section 25-4-78, Code of Alabama 1975, as amended by Act No. 94-719, H. 814, 1994 Regular Session, relating to disqualifications for unemployment compensation benefits so as to remove lockout from the disqualifications.

Committee on Business and Labor

By Senators Roberts, Dial, Butler, Mitchem, Lindsey, Adams, Freeman, Davidson, Biddle, Hale, McClain, Bedford, Armistead, and Little:

**S. 347.** To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners,



members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the sum of the capital credits authorized by this act and certain other tax and other incentives offered by the state and certain local entities shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that the provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for those new projects.

Committee on Industrial Development  
and Recruitment

By Senator Waggoner:

**S. 348.** To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$300,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation Education

By Senator Hale:

**S. 349.** Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of

these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

Committee on Commerce,  
Transportation, and Utilities

By Senator Freeman:

**S. 350.** To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act; and to prescribe fines for certain violations of the act.

Committee on Conservation, Environment,  
and Natural Resources

By Senators Smitherman and McClain:

**S. 351.** To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

Committee on Governmental Affairs

By Senator Butler:

**S. 352.** To allow distinctive motor vehicle license tags for non-profit community and service organizations desiring to apply for issuance of a special license tag; to provide for the distribution of the issuance fees.

Committee on Governmental Affairs

By Senator Butler:

**S. 353.** To provide for forfeiture of a motor vehicle driven by a person who in the commission of a crime involving the use of a deadly weapon fired or otherwise used within or from the motor vehicle; to establish a procedure for forfeiture and the limitation on the sums generated from the forfeiture; and to provide certain exceptions for family hardship cases.

Committee on Judiciary

By Senator Butler:

**S. 354.** To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing, and making recommendations for enhancing the quality of child care in America.

Committee on Health  
and Human Resources

By Senator Sanders:

**S. 355.** To authorize local school boards to implement a mandatory student uniform dress program for all students in grades K-12, inclusive; and to authorize an individual school to implement a uniform dress program under certain conditions.

Committee on Education

By Senator Escott-Russell (With Notice and Proof):

**S. 356.** To alter and rearrange the boundaries of the City of Birmingham to include within such boundaries certain described territory situated in Shelby County, generally known as Spain Park, which is not contiguous to the boundaries of the City of Birmingham.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 356, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Langford (With Notice and Proof):

**S. 357.** To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such

**4th Day**

cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 357, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Escott-Russell:

**S. 358.** Relating to state employees; to prohibit the use of poly-graph testing of state employees or prospective state employees; and to provide for penalties.

Committee on Governmental Affairs

**COMMITTEE REPORT FILED**

Pursuant to the provisions of Act No. 84, 1976 Regular Session, the annual report of the Joint Legislative Prison Committee was filed with the Secretary.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Letson (With Notice and Proof):

**H. 222.** Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 222, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 222 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Ford, Galliher, and Page (With Notice and Proof):

**H. 73.** Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 73, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 73 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Letson (With Notice and Proof):

**H. 221.** Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 221, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 221 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hammett:

**H. 16.** To require a charitable organization and certain other

persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to provide misdemeanor penalties for violations of this act; and to provide exceptions.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 16 - to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hammett, Clark (J), Carter, Fuller, Newton (D), Hooper, Hill, Knight (A), Moore, Clouse, Gaines, Gipson, Townsend, Wren, Laird, Turner, Allen, Morton, Gaston, Smith, Maull, Dean, and Collins:

**H. 135.** To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving

**4th Day**

that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 135 - to the Committee on Constitution, Campaign Finance,  
Ethics, and Elections

**REPORTS OF COMMITTEES**

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Fuller:

**H. 59.** To provide for the continuation of pension benefits for



**4th Day**

certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Freeman (With Amendment):

**S. 32.** To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator McClain:

**S. 42.** To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

By Senator Lindsey:

**S. 114.** To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in

**4th Day**

any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

By Senator Biddle:

**S. 163.** To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

By Senator Biddle:

**S. 190.** To amend Section 13A-11-75, Code of Alabama 1975, relating to the issuance of pistol permits by the sheriff of the county; to provide further for the application forms, duplicated licenses, and the amount of issuance fees; and to authorize the sheriff to perform all acts necessary to comply with federal firearm statutes and regulations.

By Senator Bedford:

**S. 248.** To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

By Senator Bedford:

**S. 280.** To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

By Senators Biddle, Dial, Bedford, Mitchem, Mitchell, Waggoner, Smitherman, Barron, Windom, Steele, Roberts, Amari, Davidson, Armistead, Clay, Figures, Adams, and Myers:

**S. 307.** To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

By Senator Waggoner:

**S. 331.** Exempting certain persons from state licensure, registration, and certification requirements who are in the state to render certain services for the Games of the Twenty-Sixth Olympiad and the Games of the Tenth Paralympiad to be held, in part, in Alabama in 1996; to provide for consent for certain medical services; and to provide for repeal of this act on December 31, 1996.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Notice and Proof):

**S. 28.** Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158, 1975 Regular Session (Acts 1975, p. 1563), as amended by Act No. 81-1106, 1981 Special Session (Acts 1981 Special Session, p. 369), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

By Senator Freeman (With Notice and Proof):

**S. 34.** Relating to Madison County; providing for an additional expense allowance and for the salary of the coroner.

By Senator Butler (With Notice and Proof):

**S. 124.** Relating to Madison County; to exempt the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes.

**4th Day**

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 11.** To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

By Senator Denton:

**S. 27.** To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

By Senator Ghee:

**S. 202.** To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 27.** RECOGNIZING WITH COMMENDATION THE 175TH ANNIVERSARY OF COKER BAPTIST CHURCH.

Also:

**HJR 31.** HONORING DR. WILLIAM HAMILTON HARRIS ON BEING INAUGURATED AS PRESIDENT OF ALABAMA STATE UNIVERSITY.

Also:

**HJR 32.** COMMENDING THE BUCKHORN BUCKS BASKETBALL TEAM OF NEW MARKET, ALABAMA, FOR WINNING THE CLASS 5A STATE BASKETBALL TITLE.

**4th Day**

Also:

**HJR 33.** COMMENDING THE HAZEL GREEN LADY TROJANS, STATE 5A BASKETBALL CHAMPIONS.

Also:

**HJR 45.** DESIGNATING A PORTION OF U.S. HIGHWAY 29 AND COUNTY ROAD 43 IN COVINGTON COUNTY AS "THE HISTORIC THREE NOTCH TRAIL."

Also:

**HJR 47.** COMMENDING POLICE OFFICER LARRY HAMMONDS FOR OUTSTANDING HEROISM.

Also:

**HJR 48.** COMMENDING THE MAPLESVILLE LADY RED DEVILS ON THE ALABAMA CLASS 1A BASKETBALL CHAMPIONSHIP.

Also:

**HJR 49.** COMMENDING THE COOSA COUNTY CENTRAL HIGH SCHOOL COUGARS ON THE 1995 STATE 4A BASKETBALL CHAMPIONSHIP.

Also:

**HJR 50.** HONORING LISA BRADEN FOR OUTSTANDING ACCOMPLISHMENT.

Also:

**HJR 51.** COMMENDING THE SPRINGVILLE HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 6.** HONORING GENERAL CARL E. MUNDY, JR., COMMANDANT UNITED STATES MARINE CORPS.

Also:

**4th Day**

**HJR 14.** DESIGNATING ALABAMA HIGHWAY 275 AT HIGHWAY 77 IN TALLADEGA COUNTY, "THE JIMMY GRANT FREEMAN BYPASS."

Also:

**HJR 18.** MOURNING THE TRAGIC DEATH OF ANDREA GONZALEZ.

Also:

**HJR 20.** COMMENDING VINCENT BRADLEY NEWBILL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 21.** COMMENDING DOROTHY A. GILROY KNAPP FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 22.** COMMENDING VICTOR A. MCSWAIN, P.E. OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

**HJR 23.** COMMENDING JIMMY SANFORD OF PRATTVILLE, ALABAMA.

Also:

**HJR 24.** COMMENDING THE AUTAUGAVILLE HIGH SCHOOL EAGLES AS THE 1995 STATE CLASS 1A BASKETBALL CHAMPIONS.

Also:

**HJR 9.** MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

Also:

**HJR 17.** URGING THE UNITED STATES CONGRESS TO

LEGISLATIVELY RESOLVE THE “NOTCH BABY” SOCIAL SECURITY INEQUITY.

Also:

**HJR 30.** REQUESTING THE ALABAMA SECRETARY OF STATE TO FURNISH ONE COPY OF THE BOUND ACTS AND ONE COPY OF THE BOUND JOURNALS UPON REQUEST TO MEMBERS OF THE ALABAMA LEGISLATURE.

Also:

**HJR 70.** RELATIVE TO MEETING DAYS.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MOTION IN WRITING**

Senators Little, Dial, and Clay offered the following Motion in Writing, to-wit:

### **MOTION TO AMEND RULES**

Notice is given in accordance with the Senate Rules that pursuant to notice previously filed, Rule 21 of the Rules of the Senate of the Legislature of Alabama relating to committees is amended to read as follows:

(21) There shall be ~~three (3)~~ four (4) Local Legislative Committees described as follows:

(a) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 300,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of

the state less than the whole. The committee on Local Legislation No. 1 shall consist of seven (7) members.

(b) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of seven (7) members.

(c) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

(d) Local Legislation No. 4, to which committee shall be referred all bills and other matters concerning local legislation in Lee County. Local legislation under this rule shall consist of any political subdivision of the county less than the whole. The Committee on Local Legislation No. 4 shall consist of three (3) members.

Which was read and referred to the Standing Committee on Rules.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### **SR 45. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the Fourth legislative day of the 1995 Regular Session only:

#### **S. 19**

Acts of Alabama, 1993 1st Sp. Sess., 1994 Reg. Sess., and 1994 1st Sp. Sess., codified

Page  
3

#### **S. 214**

Motor vehicles, "Olympic Spirit" distinctive license plates auth., fee, distrib.

7



# REGULAR SESSION

251

## 4th Day

<b>S. 211</b>	15
Pharmacists, prohibited acts and offenses, further provided for, Sec. 34-23-33 am'd.	
<b>S. 194</b>	4
Motor vehicles, driving with suspended or revoked license for DUI, forfeiture of motor vehicle, procedure	
<b>S. 77</b>	3
Juries, capital cases, not req. to be sequestered, Sec. 12-16-9 am'd.	
<b>S. 29</b>	25
Motor vehicles, license plates issuance of, antique vehicles, definitions, penalties, fees, Sec. 40-12-290 am'd., Secs. 40-12-291, 40-12-295 repealed	
<b>S. 241</b>	10
Motor vehicles, antique license plates, distrib., renewal, proof requirements, incr. fee, penalties, Secs. 40-12-290, 40-12-291 am'd.	
<b>S. 205</b>	20
Firefighters, death or disability, from occupational diseases, Sec. 11-43-144 am'd.	
<b>S. 256</b>	19
Teachers, written policy formulation to include support personnel, Secs. 16-8-10, 16-8-18 am'd.	
<b>S. 245</b>	18
Teachers and ed. personnel, Catastrophic Sick Leave Program, donation of sick leave bank plan, membership requirements Sec. 16-22-9 am'd.	
<b>S. 70</b>	17
Alabama Commission on Higher Education, executive director appointment and confirmation req. by Senate, re-confirmation deleted, Sec. 16-5-4 am'd.	
<b>S. 227</b>	15
Contract Review Oversight	

**S. 85**

26

To correct existing statute relative to purchase of credit in  
Teachers' Retirement System

On motion of Senator Lindsey, the Resolution was adopted by the  
Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., SB 19, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Dial, Dixon, Escott-Russell,  
Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain,  
Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner,  
and Windom -26

Nays:

- 0

**SPECIAL ORDER**  
**BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount,  
and continuing order of business for today, the first of which was the Bill:

**S. 19.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

And said Bill, SB 19, was read a third time at length and passed,  
and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Butler, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Waggoner, B.I.R., SB 214, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 214.** Providing for distinctive motor vehicle license tags or plates for supporters of the United States Olympic Committee and the Alabama Sports Foundation to commemorate the 1996 Olympic Games; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; providing for an expiration date for the manufacture of the tags or plates; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Butler, B.I.R., SB 211, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 211.** To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 28.** PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 4, 1995, TO OBSERVE THE 1995 NATIONAL DAY OF PRAYER.

Also:

**SJR 29.** REQUESTING AND STRONGLY RECOMMENDING THE ALABAMA BUILDING RENOVATION FINANCE AUTHORITY TO PROVIDE PERMANENT SECURITY FOR ALL EXTERIOR ENTRANCES AND ACCESSES OF THE ALABAMA STATE HOUSE BUILDING.

Also:

**SJR 31.** DENOUNCING THE RECENT ACT OF TERRORISM IN OKLAHOMA CITY, OKLAHOMA.

Also:

**SJR 32.** COMMENDING THE LEE-SCOTT ACADEMY FOOTBALL TEAM OF AUBURN, ALABAMA, AS THE 1994 STATE CLASS 3A CHAMPIONS.

Also:

**SJR 33.** HONORING THE CHIROPRACTIC PROFESSION ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY.

Also:

**SJR 34.** HONORING JACK L. WALTON FOR OUTSTANDING SERVICE.

Also:

**SJR 35.** NAMING THE LYCEUM BUILDING AT NORTHEAST ALABAMA STATE COMMUNITY COLLEGE, "THE TOM BEVILL LYCEUM BUILDING."

GREG PAPPAS,  
Clerk.

### **BUDGET ISOLATION RESOLUTION**

Senator Windom, B.I.R., SB 194, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon,

**4th Day**

Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 194.** To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

was taken up.

On motion of Senator Windom, the Rules were suspended and further consideration of the Bill, SB 194, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., SB 77, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -26

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 77.** To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -26

Nays:

- 0

### NOTICE IN WRITING

Senators Dial, Biddle, Dixon, and Little, offered the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Let the Journal reflect that had we had the opportunity to co-sponsor SB 194, we would have co-sponsored such SB 194.

SENATOR DIAL,

SENATOR BIDDLE, III,

SENATOR DIXON,

SENATOR LITTLE.

Which was read and ordered spread upon the Journal.

### BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 29, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**S. 29.** To amend Section 40-12-290 of the Code of Alabama

**4th Day**

1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

was taken up.

On motion of Senator Ghee, the Rules were suspended and further consideration of the Bill, SB 29, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman, B.I.R., SB 241, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 241.** Relating to motor vehicles; to amend Sections 40-12-290 and 40-12-291 of the Code of Alabama 1975; to provide for the issuance of a two-year antique license plate or tag only for those vehicles operated as a collector's item; to increase the renewal fee; to prescribe penalties for violating this act; and to delete the provision that the plate or tag is valid without renewal.

was taken up.

On motion of Senator Freeman, the Rules were suspended and further consideration of the Bill, SB 241, was postponed subject to the call of the Chair.



**BUDGET ISOLATION RESOLUTION**

Senator Hale, B.I.R., SB 205, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 205.** To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., SB 256, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb,

Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 256.** To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays: - 0

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 28.** PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 4, 1995, TO OBSERVE THE 1995 NATIONAL DAY OF PRAYER.

Also:

**SJR 29.** REQUESTING AND STRONGLY RECOMMENDING THE ALABAMA BUILDING RENOVATION FINANCE AUTHORITY TO PROVIDE PERMANENT SECURITY FOR ALL EXTERIOR

ENTRANCES AND ACCESSES OF THE ALABAMA STATE HOUSE  
BUILDING.

Also:

**SJR 31.** DENOUNCING THE RECENT ACT OF TERRORISM IN OKLAHOMA CITY, OKLAHOMA.

Also:

**SJR 32.** COMMENDING THE LEE-SCOTT ACADEMY FOOTBALL TEAM OF AUBURN, ALABAMA, AS THE 1994 STATE CLASS 3A CHAMPIONS.

Also:

**SJR 33.** HONORING THE CHIROPRACTIC PROFESSION ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY.

Also:

**SJR 34.** HONORING JACK L. WALTON FOR OUTSTANDING SERVICE.

Also:

**SJR 35.** NAMING THE LYCEUM BUILDING AT NORTHEAST ALABAMA STATE COMMUNITY COLLEGE, "THE TOM BEVILL LYCEUM BUILDING."

PAT LINDSEY,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**FURTHER CONSIDERATION OF SB 194**

The Senate proceeded to further consideration of the Bill, SB 194.

Senator Windom offered the following amendment to the Bill, SB 194, to-wit:

### AMENDMENT TO SB 194

Amend SB 194, Page 2, line 8, by adding the following after the word “driving”:

“while under the influence of alcohol or under the influence of a controlled substance”

On p. 4, line 24, add the following after the word “diligence”:

“; and (3) The owner of the vehicle who was not the driver of the vehicle seized, may petition the circuit court of the county where the seizure occurred. Upon good cause shown by the owner who was not the driver, the vehicle shall be returned pending the outcome of the hearing on knowledge and consent.”

On p. 4, line 19, delete the word “and”

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

And said Bill, SB 194, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 29 Nays 1

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nay: Senator Lindsey

- 1

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 245.** To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

was taken up.

On motion of Senator Mitchell, the Rules were suspended and further consideration of the Bill, SB 245, was postponed subject to the call of the Chair.

THE BILL:

**S. 70.** To amend Section 16-5-4 of the Code of Alabama of 1975, relating to the appointment, confirmation, and reconfirmation process of the Executive Director of the Alabama Commission on Higher Education, to delete the requirement that the executive director be reconfirmed every four years by the Alabama Senate.

was taken up.

On motion of Senator Mitchell, further consideration of the Bill, SB 70, was postponed temporarily.

THE BILL:

**S. 227.** Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

was taken up.

On motion of Senator Mitchell, the Rules were suspended and further consideration of the Bill, SB 227, was postponed subject to the call of the Chair.

THE BILL:

**S. 85.** To provide further for the purchase of service credit by members of the Teachers' Retirement System.

was taken up.

**4th Day**

On motion of Senator Mitchell, the Rules were suspended and further consideration of the Bill, SB 85, was postponed subject to the call of the Chair.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 28    SJR 31    SJR 32    SJR 33    SJR 34    SJR 35  
SJR 29

Delivered to the Governor on May 4, 1995, at 11:45 A.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 12 o'clock Noon, on motion of Senator Mitchell, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, May 9, 1995, at 1 o'clock P.M.

## **FIFTH LEGISLATIVE DAY**

**TUESDAY, MAY 9, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Larry Armstrong, Associate Minister, Eastern Hills Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Collier Craft, Plainsview High School, Rainsville, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom

-34

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Sanders for today.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 194.** To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

PAT LINDSEY,  
Chairperson.

**COMMITTEE REPORT FILED**

Pursuant to the provisions of Act 94-598, the report of the Alabama Local Government Training Institute was filed with the Secretary.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Armistead, Amari, Waggoner, Adams, Hale, Dial, Smith, Davidson, Dixon, Lipscomb, Hill, Mitchem, and Roberts:

**S. 359.** To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend



Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

Committee on Fiscal Responsibility  
and Accountability

By Senators Adams, Amari, Armistead, Dial, Dixon, Waggoner, Smith,  
Hale, Roberts, Poole, and Davidson:

**S. 360.** To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

Committee on Finance  
and Taxation Education

By Senator Butler:

**S. 361.** To require cemeteries to post price lists for burial services and merchandise; to prohibit the use of misleading statements in the sale of cemetery property, burial lots, burial rights, burial services, or burial merchandise; and to provide criminal penalties.

Committee on Governmental Affairs

By Senator Poole:

**S. 362.** To propose an amendment to the Constitution of Alabama of 1901, providing that regular sessions of the Legislature in all odd-numbered years shall be limited to subjects pertaining to local legislation, matters of the budgets, and certain other legislation; providing for the subject matter for regular sessions during even-numbered years and allowing certain exceptions; and providing for the duration of sessions.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Butler:

**S. 363.** To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

Committee on Banking  
and Insurance

By Senator Butler:

**S. 364.** Relating to curators, repealing Chapter 7A of Title 26, comprised of Sections 26-7A-1 to 26-7A-17, inclusive, of the Code of Alabama 1975; preserving the existing powers and duties of certain curators for a specified time; and specifying that at a certain time these curators would become conservators with all the powers and duties of a conservator, except when the powers of a curator have been limited by a court.

Committee on Judiciary

By Senator Butler:

**S. 365.** Providing that certain members of state retirement systems shall receive payment for a certain amount of unused sick leave at retirement and shall convert a certain amount of unused sick leave into membership service for retirement purposes.

Committee on Governmental Affairs

By Senator Mitchell:

**S. 366.** Relating to beneficiaries of the Employees' Retirement System of Alabama and Teachers' Retirement System of Alabama; to provide that the election of a beneficiary to a public office shall not constitute a return or restoration to active service for the purposes of Title 36, Chapter 27, and Title 16, Chapter 25, Code of Alabama 1975, which govern the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama, respectively; to provide that the retirement allowance of the beneficiary shall not be suspended, reduced, or diminished because the beneficiary receives compensation for serving as an elected public official from an employer participating in the Employees' Retirement System

of Alabama or the Teachers' Retirement System of Alabama; and to provide that this act shall have retroactive effect to January 1, 1995.

Committee on Governmental Affairs

By Senators Hale, Armistead, Amari, Adams, Waggoner, Smith, Dixon, Bailey, Freeman, Davidson, and Myers:

**S. 367.** To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 25 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy.

Committee on Education

By Senator Freeman:

**S. 368.** To amend Section 32-7-5 and Section 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident and to provide that reinsurance fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

Committee on Judiciary

By Senator Freeman:

**S. 369.** To establish a Governor's-Legislators' Gaming Oversight Commission and a share-lottery administered by the Alabama Veterans Foundation and provide for its powers and duties; to provide for the disposition of the share-lottery proceeds; and to prescribe penalties for certain violations.

Committee on Tourism and Marketing

By Senators Clay, Adams, and Roberts:

**S. 370.** Proposing an amendment to the Constitution of Ala-

**5th Day**

bama of 1901, relating to the award of punitive damages; providing further for the award of punitive damages; and specifically repealing Section 6-11-21 of the Code of Alabama 1975.

Committee on Judiciary

The above Bill was read a first time at length as required by the Constitution.

By Senators Butler, Freeman, and Hale:

**S. 371.** To exempt the American Bowling Congress and any predecessor organization or entity from the payment of all state, county, and municipal sales and use taxes.

Committee on Fiscal Responsibility  
and Accountability

By Senators Bedford, Windom, Roberts, and Smitherman:

**S. 372.** To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer, certified police officer, or reserve law enforcement officer is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

Committee on Business and Labor

By Senators Bedford, Windom, Roberts, and Smith:

**S. 373.** Relating to public employees; to prohibit an automobile insurance carrier of a public employee from considering motor vehicle accidents in government vehicles.

Committee on Banking  
and Insurance

By Senator Lindsey:

**S. 374.** Relating to financial institutions, to provide that compliance review documents, files, and records arising out of matters evaluated by a compliance review committee are confidential and are not dis-

coverable or admissible into evidence in any civil or administrative action or proceeding.

Committee on Banking  
and Insurance

By Senator Dial:

**S. 375.** To require that representatives of the United States Armed Services be allowed reasonable access at public institutions of higher education in this state for recruitment purposes.

Committee on Veterans  
and Military Affairs

By Senator Bedford:

**S. 376.** Relating to the Department of Public Safety; to establish the Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles and penalties for violations.

Committee on Finance and  
Taxation General Fund

By Senators Bedford, Dial, Roberts, Smitherman, and McClain:

**S. 377.** To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required clean-up, and closure of unauthorized dumps by innocent, responsible land owners; to authorize fees for disposal or incineration of solid waste within the state; to establish minimum standards for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Committee on Commerce,  
Transportation, and Utilities

By Senator Dial:

**S. 378.** To amend Section 36-27-70, Code of Alabama 1975,

**5th Day**

to provide for an employee of the State of Alabama to purchase prior service with a municipality.

Committee on Fiscal Responsibility  
and Accountability

By Senators Dial, Armistead, Amari, Waggoner, Adams, Hale, Smith, Dixon, Roberts, and Davidson:

**S. 379.** To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

Committee on Finance  
and Taxation Education

By Senators Smith, Armistead, Bedford, Windom, Roberts, Little, Adams, Freeman, McClain, Davidson, Butler, Steele, Myers, Hale, Dixon, Dial, Barron, Clay, and Waggoner:

**S. 380.** To amend Sections 12-11-30 and 12-12-31, Code of Alabama 1975, to further provide for the dollar amount of the jurisdiction of the small claims docket of the district court.

Committee on Judiciary

By Senator Barron:

**S. 381.** To amend Section 16-9-24, Code of Alabama 1975, to provide further for the office of the county superintendent of education.

Committee on Education

By Senator Waggoner:

**S. 382.** Authorizing county commissions to make certain topless, bottomless, or nude dancing for monetary consideration an unlawful offense; providing for enforcement and providing criminal penalties.

Committee on Judiciary

By Senator Waggoner:

**S. 383.** Amending Section 13A-12-200.1, Code of Alabama 1975, to include topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obscenity Enforcement Act.

Committee on Judiciary

By Senators Windom and Bedford:

**S. 384.** To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

Committee on Banking  
and Insurance

By Senator Little:

**S. 385.** To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under

each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain provisions shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

Committee on Judiciary

By Senator Escott-Russell (With Notice and Proof):

**S. 386.** To alter and rearrange the boundaries of the City of Birmingham to include within such boundaries certain described territory situated in Jefferson County, generally known as the Pawnee Reservoir of the Industrial Water System, which is not contiguous to the boundaries of the City of Birmingham.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 386, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Escott-Russell (With Notice and Proof):

**S. 387.** Relating to Jefferson County; to amend Section 12 of Act No. 248 of the 1945 Legislature (Acts 1945, p. 376, et seq.), as last amended; to promote operational efficiency and control of certain local government employment practices by the local officials thereof; to amend Section 16 of said Act No. 248 of 1945 as last amended, respecting the term of eligible lists; and to amend Section 18 of said Act No. 248 of 1945, as last amended, respecting provisional appointments and appointments of police and firefighters.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 387, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.



By Senator Escott-Russell:

**S. 388.** To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Birmingham Museum of Art in the amount of two hundred and fifty thousand dollars (\$250,000) for the fiscal year ending September 30, 1996.

Committee on Finance  
and Taxation Education

By Senators Dixon, Waggoner, Dial, Amari, Adams, Hale, Myers, Smith, Butler, Little, Davidson, Roberts, and Barron:

**S. 389.** To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

Committee on Education

By Senators Bailey, Lipscomb, Adams, Windom, Mitchell, Little, Butler, Smith, Biddle, and Armistead:

**S. 390.** Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with

this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

Committee on Fiscal Responsibility  
and Accountability

By Senators Dixon, Waggoner, Amari, Dial, Adams, Hale, Smith, Davidson, Roberts, and Barron:

**S. 391.** To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

Committee on Education

By Senator McClain:

**S. 392.** To provide for a state lottery and prescribe certain terms and conditions respecting its operation; to make legislative findings with respect to the economic justification for the establishment of a lottery; to create the Alabama Lottery Commission and provide for its composition, powers and duties; to specify certain conditions respecting the appointment and hiring by said commission of officers and employees; to establish certain requirements applicable to vendors providing goods or services to said commission; to establish certain requirements applicable to retail distributors of lottery tickets; to specify certain procedures to be followed with

respect to any contract between said commission and any such vendor or retailer; to express the legislature's intent that said commission encourage participation by minority businesses in the operation of the lottery; to appropriate moneys from the state general fund to pay the expenses of establishing and organizing said commission and the other initial costs of implementing the provisions of this act; to provide for the disposition of the net proceeds derived from the operation of the lottery; to provide for the establishment of a scholarship program that will be funded out of the net proceeds of the lottery in an amount not to exceed \$25,000,000 for each program year of such scholarship program and that will pay the tuition of students who meet certain residency and academic qualifications at public post-secondary institutions; to empower the Alabama Commission on Higher Education to administer such scholarship program and to promulgate, implement and enforce rules and regulations to give effect thereto; to provide for various other matters relating to the creation and administration of a state operated lottery; and to provide that the provisions of this act shall become effective only upon the adoption of an amendment to the Constitution of Alabama of 1901 that authorizes a state lottery.

Committee on Tourism and Marketing

By Senators Smitherman, Escott-Russell, and Langford:

**S. 393.** To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

Committee on Judiciary

By Senator Denton:

**S. 394.** To transfer the LaGrange Historical Site owned by the Alabama Historical Commission to the LaGrange Living Historical Association.

Committee on Agriculture and Forestry

By Senator Amari (With Notice and Proof):

**S. 395.** Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as

members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 395, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Amari, Bailey, and Mitchell:

**S. 396.** To amend Section 14-9-42 of the Code of Alabama 1975, to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975, for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

Committee on Judiciary

By Senator Amari:

**S. 397.** To authorize sheriffs to provide jail concession stores and telephone services for jail prisoners, and to contract for liability insurance; to provide for the use of the proceeds from those stores and services for law enforcement purposes; and to authorize audits of money collected pursuant to this act.

Committee on Governmental Affairs

By Senators Amari, Dixon, Biddle, Smith, Bailey, Armistead, Adams, Hill, Dial, Lipscomb, Barron, Mitchem, Waggoner, Mitchell, and Myers:

**S. 398.** To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

Committee on Judiciary

By Senator Little:

**S. 399.** To amend Section 9-15-10, Code of Alabama 1975, to require that any institution or department of the State notify the Department of Conservation and Natural Resources at least 30 calendar days prior to the completion of any transaction involving the lease, sale or other disposition of land owned by such institution or department; to require that a transaction summary be provided to the Department of Conservation and Natural Resources; and to exempt the Department of Revenue and the Department of Transportation.

Committee on Fiscal Responsibility  
and Accountability

By Senators Dixon and Barron:

**S. 400.** To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles; to authorize the issuance and sale of the personalized license tags for motorcycles and motor-driven cycles.

Committee on Governmental Affairs

By Senator Amari:

**S. 401.** Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

Committee on Local  
Legislation No. 2

By Senator Lindsey:

**S. 402.** To propose an amendment to the Constitution of Alabama of 1901 that annuls Section 65 thereof and substitutes in lieu of the section so annulled provisions to authorize the legislature to provide by law

for a state-operated lottery; to authorize the legislature by law to prohibit or to allow and control gambling by such persons, in such forms and under such conditions as it determines to be in the best interests of the people of the state; to provide that certain provisions of the Constitution shall not restrict the power of the legislature to enact laws to prohibit, authorize, license or regulate gambling or to appropriate proceeds of gambling taxes to charitable or not-for-profit institutions and organizations that are not under the control of the state or other governmental entities; to establish a state improvement fund consisting of an education account and a health and social services account; to provide for the administration of the improvement fund; to provide that the net profits received by the state from the operation of, or participation in, a lottery and the net collections of license, privilege or excise taxes levied by the state for state purposes on casino gambling and related activities shall be paid into the improvement fund and divided equally between the education account and the health and social services account; to specify the purposes for which moneys deposited to the credit of either the education account or the health and social services account may be appropriated by law; and to provide that the provisions of the proposed amendment shall have both retrospective and prospective effect and shall ratify, confirm and validate certain previously enacted laws authorizing a state-operated lottery and providing for the licensure and regulation of casino gaming in the state.

Committee on Tourism and Marketing

The above Bill was read a first time at length as required by the Constitution.

By Senator Lindsey:

**S. 403.** To provide a general plan for the legalization of casino gaming in certain jurisdictions in the state; to make legislative findings with respect to the legal and economic justification for such plan, including (i) the legislature's interpretation of the history and purpose of the prohibition against lotteries contained in Section 65 of the Constitution of Alabama and (ii) the identification of those conditions which, in the judgment of the legislature, exempt certain gambling activities from the constitutional prohibition against lotteries; to express the legislature's intent that the act shall be given effect as a complete and coherent statute, capable of being performed in accordance with all its provisions, if a single type of gambling game, among the comprehensive array authorized by the act, is determined to be a game that does not constitute a lottery by reason of the degree of player's skill involved in such game or as the result of other conditions; to express the legislature's intent that the act shall be considered a general law which creates a state gaming commission for the regulation of gaming and

**5th Day**

racetracks throughout the state and which is applicable to racing commissions whenever and wherever created throughout the state and that the act's accommodation of local variations in the underlying racing acts, as well as the need to address particular economic needs and competitive concerns of certain counties, shall be recognized as subordinate to the act's general purposes and not be interpreted to make the act a local act; to express the legislature's view that commercial gambling is not a common economic activity in which the opportunity to participate is a fundamental liberty, but rather that it is a suspect enterprise affected with the public interest and coming under the police power of the state in a manner that justifies the legislature in providing for gaming licenses to the holders of existing racing licenses without violating the provisions of Section 22 of the Constitution of Alabama; to express the legislature's intent that this act shall not be considered an act for raising revenue but rather an act to prescribe the conditions under which various forms of gambling may be legally conducted and to provide for the licensure and regulation of such forms of gambling and that the derivation of revenue from the licensure and regulation of gambling shall be deemed an incidental purpose of this act; to define the terms used throughout the act and needed for the integral relationship of its various parts and to provide rules of construction; to provide that, if the legislature proposes a concomitant constitutional amendment authorizing the legislature to license and regulate gambling in the legislative session in which the act is enacted, the act shall be suspended until the election is held on such constitutional amendment; to provide that the provisions of the act for the licensing of gaming in a jurisdiction where racing is authorized shall not be effective with respect to such jurisdiction unless the voters residing in the jurisdiction shall vote in an election to authorize the licensing and regulation of gaming therein; to provide for the conduct of elections to authorize the licensing of gaming in a jurisdiction of a racing commission; to provide that if a majority of the voters residing in any such jurisdiction and participating in the election on the aforesaid concomitant constitutional amendment vote for the adoption thereof, the approval of such amendment shall of itself authorize the licensing of gaming in the jurisdiction without any further election; to exempt the conduct of gaming and the manufacture, sale, transportation, installation, possession, ownership or use of gaming devices, authorized by and done in accordance with the provisions of the act, from the prohibitions of Article 2 of Chapter 12 of the Alabama Criminal Code (Code of Alabama 1975, Section 13A-12-20 et seq.) and other criminal or civil statutes prohibiting or limiting the same; to define gaming debt and to provide that gaming debts shall be exempt from the provisions of Sections 8-1-150 through 8-1-152, inclusive, of the Code of Alabama 1975 that would otherwise make gaming debts void and permit the recovery by interested parties of payments made on gaming debts; to declare that gaming devices authorized under the act are exempt from certain provisions of federal law applicable thereto; to entitle a licensed horse racing or greyhound

**5th Day**

racing operator to purchase a license to conduct casino gaming at its racing facility in accordance with the provisions of the act; to prescribe the terms and conditions of such license and the conditions under which such license may be renewed or transferred or a replacement license issued therefor; to authorize casino gaming licenses to be awarded for gaming facilities to be located in Class 1 or Class 2 municipalities, to prescribe terms, conditions and procedures relating to the award of such licenses and the use thereof, to prescribe the conditions under which such licenses may be renewed or transferred or replacement licenses issued therefor, and to empower the state gaming commission and the local racing commission to regulate the activities of gaming licensees who obtain such licenses for Class 1 and Class 2 municipalities; to provide that, in order to avoid destructive competition between municipal gaming facilities and existing racing facilities, no gaming license shall be issued for a gaming facility to be located in any Class 1 or Class 2 municipality until after a period of two years after the date on which a racing facility, existing as of the effective date of the act and licensed for operation within the corporate limits of any such municipality, shall begin the conduct of gaming under a license hereunder in newly constructed facilities; to provide that a gaming facility may be licensed for any Class 5 municipality located in a county in which gaming facilities are authorized pursuant to the act to be licensed in a Class 2 municipality in such county, subject to the same general conditions as are applicable to gaming licenses for gaming facilities to be located in such Class 2 municipality; to provide for gaming licensing boards in Class 1, Class 2 and Class 5 municipalities in a qualified gaming county to study, evaluate and select applicants for gaming licenses to operate gaming facilities in such municipalities; to provide for certain powers that may be exercised by the governing body of a Class 1, Class 2 or Class 5 municipality in a qualified gaming county with respect to the award and use of a gaming license for a gaming facility to be located in such municipality; to provide for the expansion of the membership of a racing commission in any qualified gaming county in order to enable such commission to perform the additional responsibilities of licensing and regulating gaming facilities in Class 1, Class 2 and Class 5 municipalities; to confer upon each racing commission, in addition to the powers that it has to license and regulate horse racing and/or greyhound racing, the same or similar powers for it to license and regulate gaming for profit and to enumerate various express powers and duties of each racing commission, and to render all of the same, including the powers with respect to horse racing and/or greyhound racing, subject to preemption by the state gaming commission pursuant to rule or order of the state gaming commission; to provide that no person shall conduct or permit gaming or manufacture, sell, lease, service, own or operate any gaming devices, or act in certain employee capacities, without obtaining the necessary license or work permit from the appropriate racing commission or the state gaming commission; to supersede local racing acts in providing that the operators of



racetracks in the state may transmit televised racing events to other racetracks in the state and to locations outside the state for pari-mutuel wagering thereon and may create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to supersede local racing acts in providing that the operators of racetracks in the state may receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon and may participate in pari-mutuel pools that include bettors on such racing events at other locations; to prescribe uniform rules for determining the takeouts that may be withdrawn by racing operators from pari-mutuel pools for live greyhound racing events; to eliminate any unequal prohibitions or restrictions on advertising by racing or gaming licensees that may be imposed by local racing acts; to provide for the creation and administration of a state gaming commission to regulate gaming and racing, and to prescribe the composition, powers and duties of the state gaming commission, including the power to preempt existing powers of local racing commissions with respect to horse and/or greyhound racing; to provide for the licensing and regulation of gaming and racing through a regulatory system involving both local racing commissions (subject to preemption by the state gaming commission) and the state gaming commission; to define the respective powers and duties of local racing commissions (subject to preemption by the state gaming commission) and of the state gaming commission with respect to the licensing and regulation of gaming and racing; to define a disqualified person with respect to any licensee or other person subject to the jurisdiction of a racing commission, to provide that a disqualified person (as defined in the act) may not own, acquire or hold a direct ownership interest in a gaming licensee, and to prescribe conditions and procedures under which a disqualified person shall be required to dispose of a direct ownership interest in a gaming licensee; to provide procedures by which actions of a racing commission taken pursuant to the act may be appealed to the state gaming commission or the appropriate courts; to provide for the appeal of actions taken by the state gaming commission to the appropriate courts; to provide procedures for the resolution of disputes involving gaming debts and the enforcement of such debts; to impose criminal liability and penalties with respect to certain acts in connection with the conduct of gaming; to levy state license taxes on the conduct of gambling games, the use of automated gaming equipment and the gross gaming revenue of gaming licensees and to provide for the disposition of the proceeds of such taxes for various purposes of state government; to levy a commission license tax on the gross gaming revenue of gaming licensees, to provide that a percentage of the commission license tax may be used to defray the incremental expenses incurred by a racing commission in licensing and regulating gaming, and to provide that the balance of proceeds of such tax shall be used for public education in the county where the racing facility is located, except to the extent that other uses for the commission license tax collected by a particu-

lar racing commission may be specified by the act or by separate local act; to require each holder of a gaming license applicable to a racing facility to pay to the racing commission additional fees to supplement purses for greyhound racing or horse racing, as the case may be, conducted at such racing facility; to provide that neither the act nor any other general law of the state shall be construed to provide for or subsume the subject of gambling in such exclusive manner as to prohibit local legislation concerning the same under Section 105 of the Constitution of Alabama and to provide that local laws may be enacted to modify, amend or repeal certain provisions of the act (except those applicable to the state gaming commission and the state license taxes and those prohibiting the future creation of local commissions to license or regulate gaming or pari-mutuel racing) or to exempt any form of gambling in any location in the state from the general criminal laws of the state prohibiting gambling; to provide for the publication, in directly affected counties and in counties with 50,000 or more in population, of a notice concerning the enactment of the act and to provide further that any action challenging or questioning the legality or constitutional validity of the act or any provision thereof must be commenced in a court of competent jurisdiction within a period of 180 days after the end of the calendar month in which occurred the last publication of such notice and that the trial and appeal of such action shall be expeditiously handled by the courts; to provide that the provisions of the act shall be severable, subject to certain exceptions; and to provide for various other matters related to the licensing, regulation, administration or taxing of gaming and racing.

Committee on Tourism and Marketing

By Senator Armistead (With Notice and Proof):

**S. 404.** Relating to Bibb County; repealing Act No. 84-453, S. 601, 1984 Regular Session (Acts 1984, p. 1061) entitled "An Act, Relating to Bibb County; to amend Act No. 780, H. 1706, 1973 Regular Session (Acts 1973, p. 1195), which act provides for compensation of the sheriff, the appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff," and to make this act retroactive to September 30, 1992.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 404, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Windom and Bedford:

**S. 405.** To amend Section 1 of Act No. 94-614, S. 375, 1994 Regular Session (Acts 1994, p. 1132), now appearing as Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

Committee on Governmental Affairs

By Senators Butler, Little, Roberts, Mitchell, Windom, Smith, Ghee, Freeman, Escott-Russell, Armistead, Langford, Clay, Barron, Biddle, Steele, Davidson, Poole, Hill, McClain, Dixon, Adams, Waggoner, Mitchem, Dial, Bedford, Lindsey, and Figures:

**S. 406.** To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

Committee on Small Business  
and Rural Development

By Senator Langford:

**S. 407.** To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

Committee on Commerce,  
Transportation, and Utilities

By Senator Bailey:

**S. 408.** Amending Sections 30-5-10 and 30-5A-3, Code of Alabama 1975, relating to protection orders in certain instances regarding domestic violence; providing certain criminal penalties for violating such an order.

Committee on Judiciary

By Senator Bailey:

**S. 409.** Amending Section 15-10-3, Code of Alabama 1975,

**5th Day**

which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of family violence; and to expand the definition of family or household member.

Committee on Judiciary

By Senator Bailey:

**S. 410.** To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; make the domestic violence shelters within the State of Alabama that meet the standards eligible for receiving state funds, provide for the distribution of the funds; and require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

Committee on Finance and  
Taxation General Fund

By Senator Bailey:

**S. 411.** To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

Committee on Judiciary

By Senators Bailey and Lipscomb:

**S. 412.** To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Page, Guin, and Morrow:

**H. 66.** To amend Sections 17-7-1, 17-8-2.1, and 17-16-40,

Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 66 - to the Committee on Constitution, Campaign Finance,  
Ethics, and Elections

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hill, Ford, Morrison, McKee, Wren, Page, Morrow, Seibenhener, Baker, Knight (A), Moore, Hammett, Gaines, Clark (J), Letson, Carter, Gipson, Venable, McDaniel, Sanderson, Knight (J), Hall (A), Hinshaw, Gaston, Lindsey, Flowers, Newton (D), Curry, Holmes, Guin, Buskey, Maull, Burke, Johnson (E), Rogers (J), Hawkins, Carns, Townsend, Clouse, Allen, Haney, Minnifield, Petelos, Thomas (D), Morton, Graham, Galliher, Jorgensen, Smith, Murphree, Spratt, Hooper, Newton (C), Starkey, Rogers (M), Millican, Fuller, and Dean:

**H. 325.** Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies

operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 325 - to the Committee on Banking and Insurance

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Curry:

**H. 53.** To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 53 - to the Committee on Constitution, Campaign Finance,  
Ethics, and Elections

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

**H. 38.** To replace the language in Article VIII of the Constitution of Alabama of 1901 by repealing the existing Article VIII and proposing a new Article VIII; to provide eligibility requirements for voting; and to provide that the Legislature would, by statute, provide for registration to vote, secrecy in voting, the administration of elections, and the nomination of candidates.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

**5th Day**

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 38 - to the Committee on Constitution, Campaign Finance, Ethics, and Elections

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lindsey, Carter, Penry, Turner, Letson, Millican, Laird, Gaines, McMillan, Hooper, Hamilton, Haney, Dean, Hall (A), Warren, Papucci, Sims, Dolbare, Allen, McKee, Murphree, Curry, Sander-son, Petelos, Collins, Galliher, Graham, Burke, Layson, and Mor-  
rison:

**H. 181.** To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Mes-  
sage from the House, was read one time and referred to appropriate Stand-  
ing Committee, as follows:

HB 181 - to the Committee on Agriculture and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and  
ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (R):

**H. 139.** To amend Section 34-23-74, Code of Alabama 1975,



to provide further for the stocking and dispensing of certain drugs.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 139 - to the Committee on Health and Human Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Knight (J):

**H. 25.** To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 25 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and

**5th Day**

ordered same sent forthwith to the Senate without engrossment:

By Reps. McDaniel, Sanderford, Haney, Hooper, Laird, Parker (T), Newton (C), Clouse, Moore, Carns, Hawkins, Townsend, Sanderson, Turnham, Fuller, Carter, Clark (J), Turner, Box, Vance, McMillan, Willis, Wren, Murphree, and Robinson:

**H. 230.** To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 230 - to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Thomas (J):

**HJR 95.** MOURNING THE DEATH OF BERTHA CANNON PERRYMAN OF CAMDEN, ALABAMA.

Also:

By Rep. Parker (P):

**HJR 102.** NAMING THE FERRELL D. CLEMONS GYMNASIUM OF SPARKMAN ELEMENTARY SCHOOL.

Also:

By Rep. Flowers:

**HJR 134.** COMMENDING THE ALABAMA DIETETIC ASSOCIATION.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 95 and 134, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Roberts, the Rules were suspended and the Resolution, HJR 102, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Parker (T):

**HJR 25.** COMMENDING DONALD R. JORDAN AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

Also:

By Rep. Box:

**HJR 61.** COMMENDING THE DIRECTOR, CAST, AND CREW OF "TERROR IN THE SUBURBS."

Also:

By Rep. Box:

**HJR 62.** HONORING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADERS FOR DISTINGUISHED ACHIEVEMENT.

Also:

By Reps. Buskey, Kennedy, and Mitchell:

**HJR 64.** MOURNING THE DEATH OF GEORGE THOMAS JONES, SR., OF MOBILE, ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Steele, the Rules were suspended and the Resolution, HJR 25, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Windom, the Rules were suspended and the Resolutions, HJR's 61, 62, and 64, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Wren:

**HJR 82.** HONORING MR. ROBERT ABERNATHY OF MILLBROOK, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

Also:

By Rep. Hall (L):

**HJR 84.** MOURNING THE DEATH OF MRS. RUBY H. CHERRY.

Also:

By Rep. Hall (L):

**HJR 85.** MOURNING THE DEATH OF DR. BESSIE WASHINGTON JONES OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Carter:

**HJR 94.** RECOGNIZING "THANKS TO THEM" AS THE OFFICIAL SONG HONORING WORLD WAR II VETERANS FOR 1995.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Butler, the Rules were suspended and the Resolutions, HJR's 82, 84, 85, and 94, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

**HJR 98.** MOURNING THE DEATH OF PATTI SUE MATHIS OF WICKSBURG, ALABAMA,

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 98, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Boyd, Hall (L), Graham, and Kennedy:

**HJR 86.** COMMEMORATING THE SERVICE OF WOMEN  
OF THE ALABAMA LEGISLATURE.

Also:

By Reps. Boyd, Hall (L), Graham, and Kennedy:

**HJR 87.** HONORING THE SERVICE OF WOMEN OF THE  
ALABAMA LEGISLATURE.

Also:

By Reps. Boyd, Hall (L), Graham, and Kennedy:

**HJR 88.** COMMEMORATING THE SERVICE OF MRS.  
JUNE BUGG.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Escott-Russell, the Rules were suspended and the Resolutions, HJR's 86, 87, and 88, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory,

McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, and Wren:

**HJR 73. MOURNING THE DEATH OF NANCY SUTHERLAND BOSWELL.**

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 73, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Dolbare:

**HJR 54. DESIGNATING THE BEN RODGERS LEE BRIDGE IN WASHINGTON COUNTY.**

Also:

By Rep. Millican:

**HJR 55. DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS "LOONEY'S TAVERN PARKWAY."**

Also:

By Rep. Hooper:

**HJR 56. COMMENDING THE SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Lindsey, the Rules were suspended and the Resolution, HJR 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Roberts, the Rules were suspended and the Resolution, HJR 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 56, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Morton:

**HJR 63.** HONORING MR. KENNETH ALLEN CLEMONS ON HIS RETIREMENT.

Also:

By Rep. Venable:

**HJR 65.** DESIGNATING A PORTION OF U.S. 231 IN ELMORE COUNTY, AS THE "VETERANS MEMORIAL BOULEVARD."

Also:

By Rep. Hooper:

**HJR 66.** RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

GREG PAPPAS,  
Clerk.



**HOUSE MESSAGE**

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 63, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Dixon, the Rules were suspended and the Resolution, HJR 65, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, HJR 66, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight (A):

**HJR 72.** RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 72, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

**HJR 8.** VIGOROUSLY URGING THE MODIFICATION OF

**THE REMEDY ORDER IN THE SCHOOL EQUITY FUNDING LAWSUIT.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight (A):

**HJR 71.** DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 71, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 5.** COMMENDING THE HAZEL GREEN LADY TROJANS ON THE 1994-1995 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

Also:

**SJR 6.** COMMENDING THE MADISON COUNTY BUCKHORN HIGH SCHOOL BUCKS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

**SJR 36.** RECOGNIZING ALABAMA BANKERS FOR OUTSTANDING CONTRIBUTIONS TO THE ALABAMA COMMUNITY.

Also:

**SJR 37.** COMMENDING HOLLINGER'S ISLAND SCHOOL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 39.** COMMENDING G. MACK ROBERTS FOR OUTSTANDING SERVICE.

Also:

**SJR 40.** EXPRESSING SUPPORT FOR JUDGE ROY MOORE.

Also:

**SJR 41.** RECOGNIZING MOBILE AREA WATER AND SEWER SERVICE AND DESIGNATING NATIONAL DRINKING WATER WEEK.

Also:

**SJR 43.** COMMENDING MAYLOND T. BISHOP OF ARAB, ALABAMA, FOR DISTINGUISHED SERVICE.

GREG PAPPAS,  
Clerk.

## REPORT FROM RULES

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate

Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**SJR 42. TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.**

WHEREAS, Article V of the Constitution of the United States requires that whenever two-thirds of both Houses of Congress propose amendments to the Constitution, ratification of those amendments is required by three-fourths of the Legislatures of the States; and

WHEREAS, amendments proposed to the Constitution of the United States have a serious impact upon the process of government and upon the lives of every citizen of this nation; and

WHEREAS, the Congress is now in the process of considering an amendment to the Constitution which would require the budget of the federal government to be balanced; and

WHEREAS, upon the adoption of a balanced budget amendment by Congress, the Alabama Legislature will be called upon to consider this amendment; and

WHEREAS, the prospect of a federally balanced budget may require Congress to significantly alter the federal budget which could have serious repercussions upon the budget of the State of Alabama, local and county governments, and the educational system of this State; and

WHEREAS, for the Alabama Legislature to be properly prepared for any deliberation on a federal balanced budget amendment, there is need for a bipartisan, unbiased review of the impact the federal budget now has upon the State of Alabama, and what impact a balanced budget amendment for the federal government will have upon the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Balanced Budget Evaluation Committee which shall be charged with the responsibility to evaluate the impact that an amendment to the Constitution of the United States requiring the federal budget be balanced will have upon the State of Alabama, local and county governments, and the educational system of this State.

BE IT FURTHER RESOLVED, That the Balanced Budget Evaluation Committee shall be composed of three appointees of the Governor,

three appointees of the Lieutenant Governor, one of which shall be a member of the Senate, and three appointees of the Speaker of the House of Representatives, one of which shall be a member of the House of Representatives. Staff assistance shall be provided to the Balanced Budget Evaluation Committee by the Legislature and the Governor is requested to lend the assistance of the State Budget Office to assist the Committee. The Balanced Budget Evaluation Committee shall report its findings to the Governor and Legislature no later than 180 days after Congress adopts a proposed amendment to balance the federal budget. Members shall be entitled to receive reimbursement for their actual expenses which shall be paid from funds appropriated to the Legislature and the Governor's Office.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Governor.

And on motion of Senator Lindsey, said Resolution, SJR 42, was adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 46. RECOGNIZING HISTORIC DEVEREUX HILL IN ANDALUSIA, ALABAMA, AND REQUESTING THAT A SIGN BE PLACED THEREON.**

WHEREAS, Devereux Hill, also known as "Debro" has been a historic landmark in Covington County for 170 years and is named for John W. Devereux, an early resident of Covington County; and

WHEREAS, aside from writing the enabling acts that created Covington County, Mr. Devereux was Covington County's first postmaster, county judge, and senator; and

WHEREAS, Mr. Devereux lived at Montezuma, in Covington County, for ten years, before moving to Macon County and later to the Republic of Texas; and

WHEREAS, Mr. Devereux's son, Julian Sidney Devereux, was equally influential and married Adaline Bradley, a member of a very prominent Covington County family; he was named to the Board of Trustees at the University of Alabama in 1833; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

**5th Day**

**BOTH HOUSES THEREOF CONCURRING**, That the proper officials are authorized to erect and maintain appropriate signs and markers designating "Devereux Hill 'Debro'" and that the State Department of Transportation be sent a copy of this resolution.

And on motion of Senator Lindsey, said Resolution, HJR 46, was concurred in and adopted by the Senate.

**REPORTS OF COMMITTEES**

Senator Roberts, Chairperson of the Standing Committee on Industrial Development and Recruitment, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

**S. 97.** To amend Section 11-54-80 of the Code of Alabama 1975, providing for the organization of industrial development boards by municipalities for the purpose of financing industrial and commercial development projects, to further provide for the definition of project to include commercial enterprises engaged in selling, servicing, providing, or handling policies of insurance or financial services.

By Senators Roberts and Butler:

**S. 330.** To clarify the provisions of Article 2A of Chapter 10 of Title 41 of the Code of Alabama 1975, by adding a Section 41-10-44.16 thereto providing that the members, owners, or partners of an approved company which is a limited liability company or a partnership shall be entitled to receive the credit against Alabama corporate income tax liability provided by Article 2A; and to provide that the employment and capital expenditure requirements shall be applied to the project and that it shall not be a requirement that the entity which is the obligor on project obligations or which employs persons at the project be the same entity or entities which receive the credit against Alabama income tax liability.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**S. 303.** To amend Section 2 of Act No. 93-846 of the 1993

First Special Session, now appearing as Section 22-11A-61, Code of Alabama 1975, to provide immunity to physicians who notify the State Health Officer about state health workers infected with HIV or HBV.

By Senators Biddle and Waggoner:

**S. 317.** To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

By Senator Butler:

**S. 354.** To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing, and making recommendations for enhancing the quality of child care in America.

## RESOLUTIONS

Senators Dixon and Langford offered the following Senate Joint Resolution, to-wit:

**SJR 46.** COMMENDING BUCKS AND BOBBY WEIL FOR OUTSTANDING ACCOMPLISHMENTS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes the selection of Adolph (Bucks) Weil and Robert (Bobby) Weil as the recipients of the "Citizen of the Year" award by the Montgomery Advertiser, in honor of the immeasurable contributions they have made to the Montgomery community throughout the years; and

WHEREAS, these brothers, who are partners in Weil Brothers-Cotton Inc., the world's third largest cotton brokerage firm, have earned widespread admiration and respect for their exemplary character and community service and are well deserving of this notable recognition; and

WHEREAS, both brothers are active supporters of the Montgomery Museum of Fine Arts, and have served as president of the American Cotton Shippers Association, and Temple Beth-Or; and

WHEREAS, among numerous other involvements of leadership and service, Bucks has been president of the Montgomery Area United Way, Chairman of the Alabama Ethics Commission in 1982 and 1983, and a major benefactor of the YMCA, Boy Scouts, and Boys Club; and Bobby has been the State Chairman of Radio Free Europe Fund, Chairman of the

**5th Day**

Montgomery Long Range Planning Council, Fund Chairman of the United Negro College Fund, and Chairman of St. Margaret's Hospital Advisory Board to name but a few; and

WHEREAS, the Weil brothers have each received numerous honors and awards for their accomplishments and notable generosity; Bucks was Man of the Year for both the YMCA youth program and Mental Health Association, a nominee for membership in the Alabama Academy of Honor, and an inductee of the Alabama Senior Citizens Hall of Fame; Bobby has been recognized as the Montgomery Junior Chamber of Commerce "Outstanding Young Man of the Year" in 1948, the recipient of the Huntingdon College President's Medal, and was named "Paul Harris Fellow" by the Rotary Club; and

WHEREAS, over the years, the Weil brothers have made invaluable contributions in civic, religious, cultural, and community affairs, and their generous legacy indeed serves as a shining example to be emulated by others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby accord highest commendation and warmest congratulations to Bucks and Bobby Weil, recipients of the "Citizen of the Year" award and we do furthermore direct that copies of this resolution be provided as evidence of our utmost esteem and appreciation.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler offered the following Senate Joint Resolution, to-wit:

**SJR 47. DESIGNATING THE WEEK OF MAY 14-20, 1995, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.**

WHEREAS, the Legislature of Alabama takes this opportunity to recognize the outstanding contributions made to the citizens of this state by our emergency medical services departments; and

WHEREAS, each year in Alabama, highway crashes are a major cause of death and disability; our emergency medical services departments answer our calls for help in these and all other emergencies; and

WHEREAS, our emergency medical services respond to our calls immediately with professionally trained and well-equipped staff to ensure



that our citizens receive prompt and appropriate care whenever and wherever it is needed; and

WHEREAS, emergency medical services specialists save hundreds of lives not only with their medical assistance, but also with their prevention messages; they remind our citizens about the dangers of drinking and driving, about the importance of wearing safety belts, about using safety belts for our children, about the necessity of motorcyclists wearing helmets, and about becoming alert pedestrians; and

WHEREAS, the emergency medical services specialists in Alabama, many of whom are volunteers, include the dispatchers who receive the emergency calls, the first responders and emergency medical technicians who arrive on the scene, and the nurses and physicians who staff the emergency rooms and trauma centers; and

WHEREAS, the Alabama Senate recognizes the importance of the citizens of Alabama knowing about our emergency medical services and acknowledging their accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the dedication of these faithful emergency medical services specialists, we do hereby designate the week of May 14-20, 1995, as "Emergency Medical Services Week" in the State of Alabama.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

### NOTICE IN WRITING

Senator Waggoner offered the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 4 as follows:

"RULE 4. No person shall be admitted to the floor of the Senate's Chamber while the Senate is in session except members. Former members of the Legislature, except registered lobbyists, and former Lieutenant Governors, the officers and employees of the two houses, the employees of the Presiding Officer, the Governor and his ~~secretary~~ representative, representatives of the press, and the Director and employees of the Legislative Refer-

**5th Day**

ence Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work shall also be admitted to the floor and all of whom shall be placed by the Secretary of the Senate. On the first legislative day of any regular, special or organizational session, the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate."

Which was read and ordered filed with the Secretary.

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., SB 28, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Smith, and Waggoner-25

Nays:

- 0

**BILLS ON THIRD READING****THE BILL:**

**S. 28.** Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158, 1975 Regular Session (Acts 1975, p. 1563), as amended by Act No. 81-1106, 1981 Special Session (Acts 1981 Special Session, p. 369), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Barron, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Myers, Poole, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman, B.I.R., SB 34, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Biddle, Butler, Clay, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Myers, Poole, Roberts, Smith, Smitherman, and Steele -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 34.** Relating to Madison County; providing for an additional expense allowance and for the salary of the coroner.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Roberts, Smith, Smitherman, and Steele -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Butler, B.I.R., SB 124, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 124.** Relating to Madison County; to exempt the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Barron, Bedford, Biddle, Butler, Davidson, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, and Steele -25

Nays:

- 0

**FURTHER CONSIDERATION OF SB 7**

The Senate proceeded to further consideration of the Bill:

**S. 7.** To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

having been postponed on the Third Legislative Day.

Senator Denton offered the following amendment to the Bill, SB 7, to-wit:

**AMENDMENT TO SB 7**

Amend SB 7 Page 3 Line 12, as follows:

After the word "service" insert the following:

"whether he or she is a buyer or seller"

Amend SB 7 Page 11 Line 1, as follows:

After the word “licensee”, strike the word “and” and insert the following:

“unless”

Amend SB 7 Page 11 Line 2, as follows:

After the word “license” strike the words “did not know” and insert in lieu thereof the following:

“knows or should have known”

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Butler, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

And said Bill, SB 7, as thus amended, was read a third time at length, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

## **BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., SB 85, adopted.

Yeas 30 Nays 0

**5th Day**

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

**FURTHER CONSIDERATION OF SB 85**

The Senate proceeded to further consideration of the Bill:

**S. 85.** To provide further for the purchase of service credit by members of the Teachers' Retirement System.

having been postponed on the Fourth Legislative Day.

And said Bill, SB 85, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B.I.R., SB 227, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

**FURTHER CONSIDERATION OF SB 227**

The Senate proceeded to further consideration of the Bill:

**S. 227.** Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

having been postponed on the Fourth Legislative Day.

The Standing Committee on Governmental Affairs reported the following amendment the Bill, SB 227, to-wit:

**AMENDMENT TO SB 227**

Amend SB 227 on Page 2, Line 10, by adding after "committee.":

"Provided, however, contracts for appointment of attorneys for the Department of Transportation for right of way condemnation cases are exempt from the provisions of this act."

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

And said Bill, SB 227, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Ghee, B.I.R., SB 245, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

**FURTHER CONSIDERATION OF SB 245**

The Senate proceeded to further consideration of the Bill:

**S. 245.** To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

having been postponed on the Fourth Legislative Day.

And said Bill, SB 245, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 5

Yeas:

Senators:

Amari, Bailey, Bedford, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smitherman, Steele, and Windom -23

Nays:

Senators:

Adams, Armistead, Biddle, Dixon, and Hill

- 5

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 48.** SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in



the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the Fifth legislative day of the 1995 Regular Session only:

	Page
<b>H. 59</b>	24
Legislature may hire retirees who fall under Employees' Retirement System with no suspension of pension benefits if hired under cert. conditions	
<b>S. 217</b>	23
Employees' Retirement System, participation by cert. co. officers in lieu of a supernumerary system, const. amend.	
<b>S. 12</b>	2
District Attys., restitution recovery division estab. to recover ct. costs, fines and restitution, percentage to dist. atty's. office to operate division and to cir. clk., criminal procedure estab.	
<b>S. 58</b>	10
Auctioneers, st. bd. estab., Auctioneer's Recovery Fund estab., bonding requirement removed, Secs. 8-14-20, 34-4-6, 34-4-7, 34-4-27, 34-4-30, 34-4-50 am'd., Secs. 8-14-21, 34-4-24 repealed	
<b>S. 248</b>	27
Cancer, Statewide Registry, estab., St. Health Officer to administer, Secs. 22-13-4, 22-13-5 am'd., Secs. 22-13-2, 22-13-6 to 22-13-11, inclusive, repealed	
<b>S. 146</b>	20
Court Costs, Circuit and District Court, Fees continued as currently estab. Act 93-133 1993 Reg. Sess. Am'd.	
<b>S. 114</b>	25
Medical Licensure Comm., membership incr., Sec. 34-24-310 am'd.	
<b>S. 163</b>	26
Physicians, indictments, dist. atty. req. to report to Bd. of Medical Examiners, Sec. 12-17-184 am'd.	
<b>S. 32</b>	24
Physicians, disciplinary actions against, hospitals req. to	

**5th Day**

report to Bd. of Medical Examiners

<b>S. 89</b>	19
Housing Finance Authority, bonds, issuance restricted after Dec. 31, 1995, Sec. 24-1A-9 repealed	
<b>S. 46</b>	10
Liquefied petroleum gas, use of unvented heaters in mobile homes, definition of used manufactured home clarified, Act 94-706, 1994 Reg. Sess. am'd.	
<b>S. 42</b>	25
Drugs, dispensing of cert. by machines and devices, alt. Sec. 34-23-74 am'd.	
<b>S. 242</b>	9
Driver's licenses, place where examination conducted and fee collected, Secs. 32-6-3, 32-6-21 am'd.	
<b>S. 232</b>	13
State employees, paid leave for assisting Red Cross during disasters	
<b>S. 240</b>	8
Educational institutions, bd. of ed. and under st. bd. of ed. job openings, posting of notices, req.	

On motion of Senator Lindsey, the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., HB 59, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smith, Smitherman, Waggoner, and Windom

-27

Nays:

- 0

**SPECIAL ORDER  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**H. 59.** To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

And said Bill, HB 59, was read a third time at length and passed.

Yeas 27 Nays 1

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smith, Smitherman, and Waggoner -27

Nay: Senator Windom

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Waggoner, B.I.R., SB 217, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 217.** Proposing an amendment to the Constitution of Alabama of 1901, to phase-out the current supernumerary program for county officials.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following substitute for the Bill, SB 217, to-wit:

### **SUBSTITUTE FOR SB 217**

#### **A BILL TO BE ENTITLED AN ACT**

Proposing an amendment to the Constitution of Alabama of 1901, to phase out supernumerary programs and to permit participation in a fiscally sound existing retirement system.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

#### **PROPOSED AMENDMENT**

A person elected or appointed to a public office after the effective date of this amendment shall not participate in or contribute to a supernumerary program nor assume a supernumerary office.

A person who, on the effective date of this amendment, is serving as a supernumerary official, or has made an election to become a supernumerary official, or is making contributions to a supernumerary program, or is otherwise entitled to participate in the supernumerary program established by statute may continue to serve or participate in the supernumerary program, which shall include the assumption of a supernumerary office after the effective date of this amendment, according to the terms and conditions of the law which established the supernumerary program.

Notwithstanding any provisions of this Constitution to the contrary including, but not limited to, Article IV, Section 98 as amended by Amendment No. 513, a circuit clerk, district attorney, or register may participate in the Employees' Retirement System of Alabama or any successor retirement system thereto; and a sheriff, tax assessor, tax collector, revenue commissioner, license commissioner or other county official the duties of whom include the assessment or collection of ad valorem taxes for the county may participate in the Employees' Retirement System of Alabama if the county

served by the official is a county unit member of the Employees' Retirement System. If the county served by the official is not a county unit member of the Employees' Retirement System the official may participate in the county retirement system which is available for employees of the county served by the official. Participation by a public official in the county or state retirement system shall be upon the same terms and conditions provided by law for participation by a state or county employee in the system. Nothing in this amendment shall be construed as authorizing a person to participate in both a supernumerary program and the Employees' Retirement System of Alabama or to participate in a supernumerary program and a county retirement system which is not a county unit participant under the Employees' Retirement System.

A public official who, on the effective date of this amendment, is participating in a supernumerary program pursuant to any statute, may irrevocably elect to withdraw from the supernumerary program and enroll in the Employees' Retirement System of Alabama or, in the case of a sheriff, tax assessor, tax collector, revenue commissioner, license commissioner, or other county official the duties of whom include the assessment or collection of ad valorem taxes, the county retirement system for employees of the county served by the official, if the county system is not a unit participant in the Employees' Retirement System, upon the terms and conditions provided by law or regulation governing the retirement system in which the official enrolls. The election shall be in a form prescribed by the Retirement Systems of Alabama or the county retirement system which is not a county unit member of the Employees' Retirement System, and filed for record in the probate office of the county served by the official no later than thirty-six months following the effective date of this amendment.

For the purposes of this amendment the words "public office" shall mean the offices of circuit clerk, district attorney, judge, register, sheriff, tax assessor, tax collector, revenue commissioner, license commissioner, or other county office the duties of which include the assessment or collection of ad valorem taxes for the county. The words "public official" shall mean a person elected or appointed to serve in a "public office" as defined in this amendment.

Section 2. An election upon the proposed amendment is ordered to be held with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

**5th Day**

“Proposing an amendment of the Constitution of Alabama of 1901, to phase-out supernumerary programs for public officials and to permit participation in a fiscally sound existing retirement system.

Proposed by Act \_\_\_\_\_”

This description shall be followed by the following language:

“Yes ( ) No ( ).”

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

And said Bill, SB 217, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Armistead, Barron, Bedford, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., SB 12, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Den-

ton, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smith, Smitherman, Steele, and Waggoner -27

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 12.** To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

was taken up.

On motion of Senator Bedford, the Rules were suspended and further consideration of the Bill, SB 12, was postponed subject to the call of the Chair.

### **BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., SB 58, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 58.** To amend Sections 8-14-20, 34-4-6, 34-4-7, 34-4-27, 34-4-30, and 34-4-50 of the Code of Alabama 1975, relating to auction-

**5th Day**

eers; to provide further for sales at auction; membership on the State Board of Auctioneers; to establish the State Auctioneer's Recovery Fund; to remove the bonding requirement; to provide for penalties; and to specifically repeal Sections 8-14-21 and 34-4-24 of the Code of Alabama 1975.

was taken up.

On motion of Senator Mitchell, the Rules were suspended and further consideration of the Bill, SB 58, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B.I.R., SB 248, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 248.** To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, and Waggoner -29

Nays:

- 0



**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 59.** To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 146, adopted.

Yeas 27 Nays 1

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom  
-27

Nay: Senator Freeman

- 1

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 146.** To amend Section 4 of Act No. 93-133, H. 285, 1993 Regular Session in order to continue the circuit and district court fee in-

creases established by Act No. 92-227, H. 605, 1992 Regular Session.

was taken up.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, SB 146, was postponed subject to the call of Chair.

### **FURTHER CONSIDERATION OF SB 12**

The Senate proceeded to further consideration of the Bill, SB 12.

Senator Bedford offered the following amendment to the Bill, SB 12, to-wit:

### **AMENDMENT TO SB 12**

On page 3, lines 17 and 18, delete the language “court, the clerk of the court, or a probation officer” and insert in lieu thereof:

“court or the clerk of the court”

On page 4, line 4, delete the language “a court, court clerk, or probation officer” and insert in lieu thereof:

“court or court clerk”

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom

-26

Nays:

- 0

And said Bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedford, Biddle, Butler, Davidson, Dixon, Escott-Russell, Figures, Freeman, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 227.** Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

PAT LINDSEY,  
Chairperson.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 7.** To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

PAT LINDSEY,  
Chairperson.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said

**5th Day**

Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 5.** COMMENDING THE HAZEL GREEN LADY TROJANS ON THE 1994-1995 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

Also:

**SJR 6.** COMMENDING THE MADISON COUNTY BUCKHORN HIGH SCHOOL BUCKS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

**SJR 36.** RECOGNIZING ALABAMA BANKERS FOR OUTSTANDING CONTRIBUTIONS TO THE ALABAMA COMMUNITY.

Also:

**SJR 37.** COMMENDING HOLLINGER'S ISLAND SCHOOL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 39.** COMMENDING G. MACK ROBERTS FOR OUTSTANDING SERVICE.

Also:

**SJR 40.** EXPRESSING SUPPORT FOR JUDGE ROY MOORE.

Also:

**SJR 41.** RECOGNIZING MOBILE AREA WATER AND SEWER SERVICE AND DESIGNATING NATIONAL DRINKING WATER WEEK.

Also:

**SJR 43.** COMMENDING MAYLOND T. BISHOP OF ARAB, ALABAMA, FOR DISTINGUISHED SERVICE.

PAT LINDSEY,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., SB 114, adopted.

Yeas 23 Nays 0  
Abstaining 1

Yeas:

Senators:

Adams, Bedford, Biddle, Butler, Davidson, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays: - 0

Abstaining: Senator Dixon - 1

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 114.** To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27 Nays 0  
Abstaining 1

**5th Day**

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

Abstaining: Senator Dixon - 1

**BUDGET ISOLATION RESOLUTION**

Senator Biddle, B.I.R., SB 163, adopted.

Yeas 24 Nays 0

Abstaining 1

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, and Windom -24

Nays: - 0

Abstaining: Senator Dixon - 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 163.** To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual

licensed to practice medicine by the Medical Licensure Commission of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0  
Abstaining 1

Yeas:

Senators:

Adams, Bailey, Biddle, Butler, Davidson, Dial, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, and Windom -21

Nays: - 0

Abstaining: Senator Dixon - 1

### BUDGET ISOLATION RESOLUTION

Senator Freeman, B.I.R., SB 32, adopted.

Yeas 24 Nays 0  
Abstaining 1

Yeas:

Senators:

Adams, Bedford, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays: - 0

Abstaining: Senator Dixon - 1

### BILLS ON THIRD READING RESUMED

THE BILL:

**S. 32.** To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements

**5th Day**

of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

was taken up.

The Standing Committee on Health reported the following amendment to the Bill, SB 32, to-wit:

**AMENDMENT TO SB 32**

Amend SB 32 on Page 2, line 23, by deleting the language "§2-21-25(3)" and insert in lieu thereof:

"§22-21-25(3)".

Which was adopted.

Yeas 22 Nays 0

Abstaining 1

Yeas:

Senators:

Adams, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nays:

- 0

Abstaining: Senator Dixon

- 1

And said Bill, SB 32, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Abstaining 1

Yeas:

Senators:

Adams, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nays:

- 0

Abstaining: Senator Dixon

- 1



**BUDGET ISOLATION RESOLUTION**

Senator Mitchem, B.I.R., SB 89, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -26

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 89.** To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -26

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., SB 46, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 46.** To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator McClain, B.I.R., SB 42, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bedford, Butler, Denton, Dial, Dixon, Figures, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -21

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 42.** To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

was taken up.

On motion of Senator McClain, the Rules were suspended and further consideration of the Bill, SB 42, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman, B.I.R., SB 242, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bedford, Butler, Denton, Dial, Dixon, Figures, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -21

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 242.** Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -26

Nays:

- 0

**POINT OF PERSONAL PRIVILEGE**

Senator Bedford requested that the Journal show that had he been present when the Bill, SB 242, was passed, he would have voted "Aye".

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 134.** COMMENDING THE ALABAMA DIETETIC ASSOCIATION.

Also:

**HJR 102.** NAMING THE FERRELL D. CLEMONS GYMNASIUM OF SPARKMAN ELEMENTARY SCHOOL.

Also:

**HJR 98.** MOURNING THE DEATH OF PATTI SUE MATHIS OF WICKSBURG, ALABAMA.

Also:

**HJR 95.** MOURNING THE DEATH OF BERTHA CANNON PERRYMAN OF CAMDEN, ALABAMA.

Also:

**HJR 94.** RECOGNIZING "THANKS TO THEM" AS THE OFFICIAL SONG HONORING WORLD WAR II VETERANS FOR 1995.

Also:

**HJR 88.** COMMEMORATING THE SERVICE OF MRS. JUNE BUGG.

Also:

**HJR 87.** HONORING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

Also:

**HJR 86.** COMMEMORATING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

Also:

**HJR 85.** MOURNING THE DEATH OF DR. BESSIE WASHINGTON JONES OF HUNTSVILLE, ALABAMA.

Also:

**HJR 84.** MOURNING THE DEATH OF MRS. RUBY H. CHERRY.

Also:

**HJR 82.** HONORING MR. ROBERT ABERNATHY OF MILLBROOK, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

Also:

**HJR 73.** MOURNING THE DEATH OF NANCY SUTHERLAND BOSWELL.

Also:

**HJR 65.** DESIGNATING A PORTION OF U.S. 231 IN ELMORE COUNTY, AS THE "VETERANS MEMORIAL BOULEVARD."

Also:

**HJR 64.** MOURNING THE DEATH OF GEORGE THOMAS JONES, SR., OF MOBILE, ALABAMA.

Also:

**HJR 25.** COMMENDING DONALD R. JORDAN AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

Also:

**HJR 54.** DESIGNATING THE BEN RODGERS LEE BRIDGE IN WASHINGTON COUNTY.

Also:

**HJR 55.** DESIGNATING HIGHWAY 278 IN WINSTON

COUNTY AS "LOONEY'S TAVERN PARKWAY."

Also:

**HJR 56.** COMMENDING THE SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION.

Also:

**HJR 61.** COMMENDING THE DIRECTOR, CAST, AND CREW OF "TERROR IN THE SUBURBS."

Also:

**HJR 62.** HONORING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADERS FOR DISTINGUISHED ACHIEVEMENT.

Also:

**HJR 63.** HONORING MR. KENNETH ALLEN CLEMONS ON HIS RETIREMENT.

Also:

**HJR 46.** RECOGNIZING HISTORIC DEVEREUX HILL IN ANDALUSIA, ALABAMA, AND REQUESTING THAT A SIGN BE PLACED THEREON.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **BUDGET ISOLATION RESOLUTION**

Senator Dixon, B.I.R., SB 232, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Armistead, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Es-  
cott-Russell, Figures, Freeman, Hill, Langford, Lipscomb, Little, Mitchell,  
Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -24

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 232.** To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

was taken up.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 217.** Proposing an amendment to the Constitution of Alabama of 1901, to phase out supernumerary programs and to permit participation in a fiscally sound existing retirement system.

PAT LINDSEY,  
Chairperson.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 32.** To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide

that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

PAT LINDSEY,  
Chairperson.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 12.** To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

PAT LINDSEY,  
Chairperson.

### FURTHER CONSIDERATION OF SB 232

The Senate proceeded to further consideration of the Bill, SB 232.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 5      SJR 36      SJR 39      SJR 40      SJR 41      SJR 43



REGULAR SESSION  
**5th Day**

339

SJR 6      SJR 37

Delivered to the Governor on May 9, 1995, at 3:13 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 4:05 P.M., on motion of Senator Dial, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, SB 232, the Senate adjourned until Thursday, May 11, 1995, at 10 o'clock A.M.

Yeas 17   Nays 7

Yeas:

Senators:

Adams, Armistead, Bedford, Dial, Escott-Russell, Figures, Ghee, Hill, Langford, Little, Mitchem, Myers, Smith, Smitherman, Steele, Waggoner, and Windom

-17

Nays:

Senators:

Butler, Dixon, Freeman, McClain, Mitchell, Poole, and Roberts

- 7

## **SIXTH LEGISLATIVE DAY**

**THURSDAY, MAY 11, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Dr. Lawrence Phipps, Vaughn Forest Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Stacey Van Valkenburgh, Gulf Shores Middle School, Gulf Shores, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Mitchem for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Langford, Steele, Freeman, Figures, Smitherman, Bedford, Amari, McClain, Butler, Escott-Russell, and Sanders:

**S. 413.** To amend Section 25-7-32, Code of Alabama 1975, to provide for certain payments to labor organizations.

Committee on Business and Labor

By Senator Lindsey:

**S. 414.** Relating to the Legislative Reference Service, specifying that certain communications are privileged; specifying those actions which constitute a waiver of this privilege; and amending Section 29-7-6 of the Code of Alabama 1975.

Committee on Judiciary

By Senator Butler:

**S. 415.** To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

Committee on Health  
and Human Resources

By Senators Smitherman and McClain:

**S. 416.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for

bingo operations for charitable purposes or otherwise within the city.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senators Smitherman, Waggoner, Davidson, and Amari (With Notice and Proof):

**S. 417.** Relating to Jefferson County; relating to alcoholic beverages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the supplier's agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 417, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Biddle:

**S. 418.** To prohibit hunting or attempting to hunt by an individual who has had any hunting license privilege revoked; and to provide penalties for the violations.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Biddle:

**S. 419.** To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Windom:

**S. 420.** To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Hale:

**S. 421.** To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

Committee on Commerce,  
Transportation, and Utilities

By Senator McClain:

**S. 422.** To amend Section 12-15-65, Code of Alabama 1975, by requiring that all court orders removing a child from his or her home will contain a finding that the best interest of the child was considered and that reasonable efforts to prevent removal were made or were not appropriate due to emergency or unsafe conditions.

Committee on Judiciary

By Senator Poole:

**S. 423.** To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the person at a hearing in criminal proceedings and in certain civil proceedings, provide for the contents of the certificate of analysis,

provide the procedure for the submission of the certificate of analysis, and provide for exceptions.

Committee on Judiciary

By Senator Windom:

**S. 424.** To further provide for the management of Alabama's marine resources; to amend Section 9-12-113, Code of Alabama 1975, relating to certain licenses for nets and seines, so as to further provide for certain fees, to provide for certain additional requirements to be licensed, to specify certain saltwater game fish, and to provide for a point system whereby the license shall be revoked under certain circumstances; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to require their filing on a monthly basis; to require all saltwater fish and seafood products harvested to be landed in Alabama; and to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further provide for certain lengths thereof; and to provide misdemeanor penalties for violations.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Amari:

**S. 425.** To provide for inducements to business persons concerned with business losses in the form of the right to operate gaming devices.

Committee on Tourism and Marketing

By Senator Clay:

**S. 426.** Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

Committee on Judiciary

By Senator Mitchell:

**S. 427.** To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

Committee on Governmental Affairs

By Senator Sanders:

**S. 428.** To create new circuit judgeships in certain judicial circuits and a new district judgeship in Dallas County.

Committee on Judiciary

By Senator Escott-Russell:

**S. 429.** To require telecommunication utilities to provide immediate access to a live operator for persons initiating certain telephone calls; to provide for certain exceptions; to provide for regulation by the Public Service Commission; to provide for free access to a fiber optic network for certain public high schools; and to repeal Section 37-1-52.1 of the Code of Alabama 1975.

Committee on Business and Labor

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Morrow (With Notice and Proof):

**H. 411.** Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 411, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 411 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Dukes, Penry, Laird, Dolbare, Layson, Hamilton, Collins, and Reed:

**H. 149.** To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 149 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Flowers, Sanderson, Box, Hooper, Layson, Hall (A), Hinshaw,



Gaston, Wren, Guin, and Black (M):

**H. 120.** To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 120 - to the Committee on Health and Human Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Boyd:

**H. 293.** To name the primary education fund of the state the "Education Fund" and to provide for a prospective effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 293 - to the Committee on Finance and Taxation Education

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Curry:

**H. 60.** To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 60 - to the Committee on Business and Labor

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers (With Notice and Proof):

**H. 119.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 119, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk

Also:

By Reps. Hall (A), Hinshaw, Haney, Sanderford, Papucci, Jorgensen, and Hall (L) (With Notice and Proof):

**H. 368.** Relating to Madison County, to amend Act No. 80-277, 1980 Regular Session, as last amended by Act No. 92-522, 1992 Regular Session; to provide further for the organization and operation of the Madison County Legislative Delegation Office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 368, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk

Also:

By Rep. Hall (A) (With Notice and Proof):

**H. 408.** To amend Sections 1 and 3 of Act No. 93-379, H. 373 of the 1993 Regular Session (Acts 1993, p. 653), relating to Jackson County; providing further for certain county-owned or leased motor vehicles to be marked for identification purposes, and to provide further for the enforcement of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 408, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk

Also:

By Rep. Morrow (With Notice and Proof):

**H. 410.** Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the

county jail in a special fund to be used by the sheriff for law enforcement purposes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 410, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 119, 368, 408, and 410 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (With Notice and Proof):

**H. 414.** Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 414, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 414 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

**H. 42.** To amend Section 4 of Act 93-133, H. 285, 1993 Regular Session, to remove the expiration date of the increase in fees provided in Act 92-227, H. 605, 1992 Regular Session.

Also:

By Rep. Turner:

**H. 55.** To amend Section 32-6-291, Code of Alabama 1975, relating to the issuance of distinctive motor vehicle license plates to retired military persons, national guard retirees, and military reservists with 20 years of service, to provide that persons with 15 years of service may be issued the distinctive license plates.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 42 - to the Committee on Finance and Taxation General Fund

HB 55 - to the Committee on Veterans and Military Affairs

**REPORTS OF COMMITTEES**

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Roberts (With Amendment):

**S. 53.** To amend Sections 14-6-1, 14-6-4, 14-6-6, 14-6-92, and 14-6-101, Code of Alabama 1975, which relate to duties of the office of sheriff; to relieve the sheriff of civil liability for the acts of the jailer; to provide further for the receiving into custody of federal prisoners and fugitive prisoners from other jurisdictions, and for the payment to the county for housing those prisoners; to provide further for the transfer of prisoners to county jails, due to inadequate jail facilities in the original jurisdictions of the prisoners; to provide further for requirements regarding maintenance and repair of jails; to provide that nothing in specified existing law shall be construed to provide a cause of action by any prisoner confined in any jail of a city or county; and to provide for the use of funds derived under the provisions of this act.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

**S. 88.** To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard were located in its corporate limits.

By Senator Mitchem:

**S. 100.** To amend Section 41-9-340, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, to provide that three members be appointed from Mobile County, one member from Baldwin County, and two members from each of the seven congressional districts as they exist on the effective date of this act.

By Senators Butler and Freeman:

**S. 305.** To provide that any Class 3 municipality may remove,

demolish, or repair buildings, structures, or portions thereof which are unsafe to the extent of creating a public nuisance; to provide for the right to collect special assessments and for liens against the property for the cost of the removal, demolition, or repair; and to provide for a civil cause of action to enforce the lien.

By Senators Butler and Freeman:

**S. 308.** Relating to Class 3 municipalities; providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 3 municipality which is organized pursuant to Chapter 43, Title 11 of the Code of Alabama 1975; establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien; and providing for the collection of the assessments and the enforcement of the lien.

By Senator Windom:

**S. 327.** To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure renewal and reclassification of their licenses.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Waggoner and Amari (With Amendment):

**S. 326.** To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending

Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator McClain:

**S. 329.** Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

By Rep. Johnson (R):

**H. 139.** To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Substitute):

**S. 318.** Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Fund"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Little:

**S. 269.** To repeal Section 8 of Act No. 94-322, S. 282, 1994 Regular Session, now appearing as Section 3-8-1, Code of Alabama 1975, which provides that it is illegal to own, maintain, sell, or trade any canidae



or felidae for which there is no USDA licensed rabies vaccine.

Senator Adams, Chairperson of the Standing Committee on Veterans and Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

**S. 215.** To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

Senator Adams, Chairperson of the Standing Committee on Veterans and Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Lipscomb, Figures, Armistead, Hale, Bailey, Waggoner, Dial, Adams, Poole, Windom, Smith, Myers, Ghee, Escott-Russell, Langford, Steele, Davidson, Denton, Little, McClain, Butler, Lindsey, and Hill (With Substitute):

**S. 284.** To create the Order of Honorable Alabama Generals and Admirals.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education Fund, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures:

**S. 36.** To amend Section 32-6-300 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education Fund, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem (With Amendment):

**S. 282.** To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama 1975, relating to retirement benefits of teachers and state employees; to remove the reduction for members of the Teachers' and Employees' Retirement Systems retiring on disability on or after October 1, 1995; and to provide for an effective date.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**S. 25.** To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

**S. 72.** Amending Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain period to afford certain legislative employees an opportunity to purchase prior service credit for certain temporary service rendered as legislative employees.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 106.** To authorize a retiree receiving a retirement allowance or optional benefit from the Employees' Retirement System of Alabama (ERS) to accept employment for compensation with the state, a county, an incorporated municipality, or a state, county, or municipal department or

agency without having his or her retirement allowance or optional benefit suspended during the period of employment under certain conditions; to authorize a retiree receiving a retirement allowance or optional benefit from ERS who is elected by the public or appointed to serve for compensation in a public office with the state, a county, or an incorporated municipality, which is an office not covered by ERS, to serve in the public office without having to suspend his or her retirement allowance or optional benefit; to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving the retirement allowance or optional benefit, waived his or her salary as an elected or appointed official pursuant to the provisions of Section 36-6-10, Code of Alabama 1975, on or after October 24, 1994, and continued service in the elective or appointive office without compensation, to apply for and be reimbursed the total amount of the waived compensation and to have his or her salary restored to its level prior to the waiver; and to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving compensation for services as an elected or appointed official of the state, a county, or an incorporated municipality, suspended his or her retirement allowance or optional benefit on or after October 24, 1994, to apply for and be reimbursed the total amount of the suspended retirement allowance or optional benefit.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Substitute):

**S. 207.** To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

Senator Bailey, Chairperson of the Standing Committee on Fiscal

Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Little, Adams, and Denton:

**S. 238.** To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

The above Bill was read a second time at length as required by the Constitution.

By Senator Little:

**S. 319.** To amend Section 36-27-26, Code of Alabama 1975, relating to proposed legislation affecting the State Employees' Retirement System, to include legislation affecting the Judicial Retirement System.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Morrow:

**H. 80.** To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Letson (With Notice and Proof):

**H. 223.** To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

By Rep. Letson (With Notice and Proof):

**H. 224.** Relating to Lawrence County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 8.** To amend Section 8-17-217 of the Code of Alabama 1975, relating to permissible fireworks which may be sold in this state; to exclude certain sky rockets from fireworks that may be sold within this state by establishing minimum size requirements for sky rockets; to permit sky rockets below the minimum size to be stored by licensed manufacturers, distributors, and wholesalers within the state for sale outside the state; and to provide for a delayed effective date.

By Senator Hale:

**S. 82.** To amend Section 32-5A-193, Code of Alabama 1975, to make it a felony to flee or attempt to elude a police officer.

By Senators Dial and Davidson:

**S. 75.** Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

By Senator Little:

**S. 292.** To amend Sections 40-12-390, 40-12-391, and 40-12-392, Code of Alabama 1975, to require new motor vehicle dealers

franchised in other states to be subject to the dealer licensing law and to provide a retroactive effect.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Little:

**S. 258.** To amend Section 7-9-310 of the Code of Alabama 1975, to provide that if secured property is abandoned and remains on a landlord's property, the landlord may notify the secured party, and if the secured party fails to remove the property within ten days, the landlord may charge rent and other costs in maintaining the property.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Amendment):

**S. 343.** To require the State Finance Department to develop and circulate a single business reply form to be used by state departments and agencies to obtain information from private businesses and to provide for an on-line computer network system to allow the private businesses to electronically file the reply form.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Ghee, Dial, and Clay (With Substitute):

**S. 45.** To establish the John Buskey Minority and Entrepreneurial Business Act of 1995; to promote the development of a pilot program to provide business technical assistance to minorities, entrepreneurs, and small businesses through the services of minority business development representatives located at certain regional planning and development commissions; to make an appropriation to fund the program; and to amend

Section 41-23-51, Code of Alabama 1975, to provide further for the membership of the Regional Revolving Loan Fund Committee.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Butler, Little, Roberts, Mitchell, Windom, Smith, Ghee, Freeman, Escott-Russell, Armistead, Langford, Clay, Barron, Biddle, Steele, Davidson, Poole, Hill, McClain, Dixon, Adams, Waggoner, Mitchem, Dial, Bedford, Lindsey, and Figures (With Amendment):

**S. 406.** To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 223.** Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations; providing for an assigned risk plan for persons classified as high risks; providing for an effective date; and providing for certain exceptions.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

**S. 237.** Relating to Title 7 of the Code of Alabama 1975, the

Uniform Commercial Code; to repeal the current Article 3 and provide for a new Article 3 regarding Negotiable Instruments and to provide for all of the following: short title, subject matter, definitions, negotiable instrument, issue of instrument, unconditional promise or order, instrument payable in foreign money, payable on demand or at definite time, payable to bearer or to order, identification of person to whom instrument is payable, place of payment, interest, date of instrument, contradictory terms of instrument, incomplete instrument, joint and several liability and contribution, other agreements affecting instrument, statute of limitations, notice of right to defend action, negotiation, negotiation subject to rescission, transfer of instrument and rights acquired by transfer, indorsement, special indorsement, blank indorsement, anomalous indorsement, restrictive indorsement, reacquisition, person entitled to enforce instrument, holder in due course, value and consideration, overdue instrument, defenses and claims in recoupment, claims to an instrument, notice of breach of fiduciary duty, proof of signatures and status as holder in due course, enforcement of lost, destroyed, or stolen instrument, effect of instrument on obligation for which taken, accord and satisfaction by use of instrument, lost, destroyed, or stolen cashier's check, teller's check, or certified check, signature, signature by representative, unauthorized signature, imposters and fictitious payees, employer's responsibility for fraudulent indorsement by employee, negligence contributing to forged signature or alteration of instrument, alteration, drawee's liability on unaccepted draft, acceptance of draft and certified check, acceptance varying draft, refusal to pay cashier's checks, teller's checks, and certified checks, obligation of issuer of note or cashier's check, obligation of acceptor, obligation of drawer, obligation of indorser, transfer warranties, presentment warranties, payment or acceptance by mistake, instruments signed for accommodation, conversion of instrument, presentment, dishonor, notice of dishonor, excused presentment and notice of dishonor, evidence of dishonor, discharge and effect of discharge, payment, tender of payment, discharge by cancellation or renunciation, discharge of indorsers and accommodation parties; also relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code, to repeal the current Article 4 and provide for a new Article 4 regarding Bank Deposits and Collections and to provide for all of the following: short title, applicability, variation by agreement, measure of damages, action constituting ordinary care, definitions and index of definitions, bank, depository bank, payor bank, intermediary bank, collecting bank, presenting bank, payable through or payable at bank, collecting bank, separate office of bank, time of receipt of items, delays, electronic presentment, statute of limitations, status of collecting bank as agent and provisional status of credits, applicability of article, item indorsed pay any bank, responsibility for collection or return, when action timely, effect of instructions, methods of sending and presenting, sending directly to payor bank, depository bank holder of unindorsed item, transfer between banks, transfer warranties, presentment warranties,



encoding and retention warranties, security interest of collecting bank in items, accompanying documents and proceeds, when bank gives value for purposes of holder in due course, presentment by notice of item not payable by, through, or at bank, liability of drawer or indorser, medium and time of settlement by bank, right of charge-back or refund, liability of collecting bank, return of item, final payment of item by payor bank, when provisional debits and credits become final, when certain credits become available for withdrawal, insolvency and preference, deferred posting, recovery of payment by return of items, time of dishonor, return of items by payor bank, payor bank's responsibility for late return of item, when items subject to notice, stop-payment order, legal process, setoff, order in which items may be charged or certified, when bank may charge customer's account, bank's liability to customer for wrongful dishonor, time of determining insufficiency of account, customer's right to stop payment, burden of proof of loss, bank not obliged to pay check more than six months old, death or incompetence of customer, customer's duty to discover and report unauthorized signature or alteration, payor bank's right to subrogation on improper payment, handling of documentary drafts, duty to send for presentment and to notify customer of dishonor, presentment of on arrival drafts, responsibility of presenting bank for documents and goods, report of reasons for dishonor, referee in case of need, privilege of presenting bank to deal with goods, and security interest for expenses; to repeal Section 5-5A-34 of the Code of Alabama 1975, regarding payment of postdated checks; to amend Section 5-19-5 of the Code of Alabama 1975, relating to the acceptance of certain negotiable instruments as evidence of consumer debt to alter the types of instruments that may be accepted; to amend Section 6-2-2 of the Code of Alabama 1975, regarding the applicability of the chapter concerning limitations of actions to specify the chapter shall not apply to certain negotiable instruments; to amend Section 7-1-201 of the Code of Alabama 1975, relating to certain defined terms under the Uniform Commercial Code to define holder, money, unauthorized signature, and value; to amend Section 7-1-207 of the Code of Alabama 1975, regarding performance or acceptance under reservation of rights to specify the section does not apply to an accord and satisfaction; to amend Section 7-2-103 of the Code of Alabama 1975, to conform the internal citation of the term dishonor to this act; to amend Section 7-2-511 of the Code of Alabama 1975, to conform an internal citation regarding the effect of an instrument on an obligation to this act; to amend Section 7-5-103 of the Code of Alabama 1975, relating to definitions regarding letters of credit to conform an internal citation concerning the term accept or acceptance to this act; to amend Section 7-9-105 of the Code of Alabama 1975, relating to certain definitions concerning security interests to conform an internal citation to this act; to amend Section 7-9-203 of the Code of Alabama 1975, relating to attachment and enforceability of a security interest to conform an internal citation to this act and to specify application to a security interest arising under the article on

leases; to amend Section 7-9-206 of the Code of Alabama 1975, relating to agreement not to assert defenses against assignee to conform the reference to Article 3 of Title 7 to this act; to amend Section 7-9-302 of the Code of Alabama 1975, regarding when a financing statement is required so as to conform an internal citation to this act; to amend Section 7-9-312 of the Code of Alabama 1975, relating to priorities among conflicting security interests in the same collateral to conform an internal citation to this act; and to provide a prospective effective date.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 296.** To amend Section 5-18-15 of the Code of Alabama 1975; and to provide for default or extension charges which may be charged and collected in connection with small loans pursuant to the Alabama Small Loan Act.

By Senators Windom and Bedford:

**S. 384.** To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

By Senator Butler:

**S. 363.** To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

By Reps. Hill, Ford, Morrison, McKee, Wren, Page, Morrow, Seibenhener, Baker, Knight (A), Moore, Hammett, Gaines, Clark (J), Letson, Carter, Gipson, Venable, McDaniel, Sanderson, Knight (J), Hall (A), Hinshaw, Gaston, Lindsey, Flowers, Newton (D), Curry,

Holmes, Guin, Buskey, Maull, Burke, Johnson (E), Rogers (J), Hawkins, Carns, Townsend, Clouse, Allen, Haney, Minnifield, Petelos, Thomas (D), Morton, Graham, Galliher, Jorgensen, Smith, Murphree, Spratt, Hooper, Newton (C), Starkey, Rogers (M), Millican, Fuller, and Dean:

**H. 325.** Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Amendment):

**S. 374.** Relating to financial institutions, to provide that compliance review documents, files, and records arising out of matters evaluated by a compliance review committee are confidential and are not discoverable or admissible into evidence in any civil or administrative action or proceeding.

### REPORT FROM CONFIRMATIONS

Senator Davidson, Vice Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Bill Jordan to the Alabama State Board of Agriculture and Industries

On motion of Senator Mitchell, the appointment of Mr. Jordan was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-28

Nays:

- 0

Senator Davidson, Vice Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jack Neal to the Alabama State Board of Agriculture and Industries

On motion of Senator Mitchell, the appointment of Mr. Neal was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smitherman, Waggoner, and Windom -28

Nays:

- 0

Senator Davidson, Vice Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Milton Wendland to the Alabama State Board of Agriculture and Industries

On motion of Senator Mitchell, the appointment of Mr. Wendland was confirmed by the Senate.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

Senator Davidson, Vice Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jim Kelly, Jr. to the Alabama State Board of Agriculture and Industries

On motion of Senator Bailey, the appointment of Mr. Kelly was confirmed by the Senate.

Yeas 32 Nays 0

**6th Day**

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

Senator Davidson, Vice Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Thomas E. Martin to the Alabama State Board of Agriculture and Industries

On motion of Senator Mitchell, the appointment of Mr. Martin was confirmed by the Senate.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

Senator Davidson, Vice Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Richard Beard to the Alabama State Board of Agriculture and Industries

On motion of Senator Mitchell, the appointment of Mr. Beard was confirmed by the Senate.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Armistead, Barron, Bedford, Butler, Clay, Davidson, Denton,

**6th Day**

Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

Senator Davidson, Vice Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jerry Newby to the Alabama State Board of Agriculture and Industries

On motion of Senator Butler, the appointment of Mr. Newby was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -29

Nays: - 0

**RESOLUTIONS**

Senators Hale, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 49.** EXTENDING CONGRATULATIONS TO THE HONORABLE AND MRS. DEWAYNE FREEMAN OF HUNTSVILLE, ALABAMA, ON THE BIRTH OF A SON, MADISON BAILLIE FREEMAN, APRIL 27, 1995.

WHEREAS, it is with great delight and pleasure that the Legislature of Alabama extends heartiest congratulations to the Honorable and Mrs. Dewayne Freeman of Huntsville, Alabama, on the birth of a son, Madison Baillie Freeman, on April 27, 1995; and

**6th Day**

WHEREAS, it was indeed a lucky 7 day for our friend and colleague, Senator Dewayne Freeman of District 7, Madison County, and his lovely wife, Cheryl, when little Madison Baillie arrived in LDR 7 at Baptist Medical Center at 4:33 p.m. on April 27, 1995, weighing 7 pounds, 7 ounces, and measuring 20 1/2 inches in length; and

WHEREAS, a handsome young fellow, with his father's big blue eyes and his mother's special charm and winning smile, little Madison Baillie joins with big brother, five-year-old Justin, in bringing untold happiness and joy to their proud parents; and

WHEREAS, also celebrating this special event are Madison Baillie's elated grandparents, Granville and Jean Freeman of Huntsville, and Howard and Mary Faye Perdue of Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Dewayne and Cheryl Freeman on the birth of their son, Madison Baillie Freeman, on April 27, 1995.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Senator and Mrs. Freeman, and that a copy also be provided for Madison Baillie that he may know of the happiness we shared with his parents on the occasion of his birth.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Escott-Russell, Bedford, Biddle, Windom, Smitherman, and Langford offered the following Senate Joint Resolution, to-wit:

**SJR 50.** EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

Which was read and referred to the Standing Committee on Rules.

**BUDGET ISOLATION RESOLUTION**

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 220.

Senator Windom, B.I.R., SB 220, adopted.



Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Biddle, Butler, Clay, Davidson, Dixon, Figures, Freeman, Ghee, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays:

Senators:

Barron, Bedford, Denton, and Dial

- 4

## **BILLS ON THIRD READING RESUMED**

### **THE BILL:**

**S. 220.** To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

was taken up.

On motion of Senator Windom, the Rules were suspended and further consideration of the Bill, SB 220, was postponed subject to the call of the Chair.

## **RESOLUTIONS**

Senator Butler offered the following Senate Joint Resolution, to-wit:

**SJR 51.** COMMENDING MRS. EVA THOMPSON OF MADISON COUNTY AS ALABAMA TEACHER OF THE YEAR.

WHEREAS, it is with great pleasure that the Alabama Legislature heartily congratulates and commends Mrs. Eva Thompson of Madison County as the 1995 Alabama Teacher of the Year, the most prestigious honor a public school educator can earn in this state; and

WHEREAS, Mrs. Thompson, who is a second grade teacher at Monrovia School, is a graduate of the University of Tennessee and has previous teaching experience in Knoxville, Tennessee, and at other schools in Madison County including West Madison and Big Cove; and

WHEREAS, Mrs. Thompson is known for her positive attitude and has a reputation as an innovator and motivator of children, earning the

respect and admiration of her colleagues, students, and their parents; and

WHEREAS, as the recipient of this distinguished honor, Mrs. Eva Thompson is a credit to Monrovia School, the community, and this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation to Mrs. Eva Thompson, selected as Alabama Teacher of the Year, for her outstanding dedication and commitment to the youth of Alabama, and furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Amari offered the following Senate Joint Resolution, to-wit:

**SJR 52. CREATING A STUDY COMMITTEE ON GAMBLING.**

Which was read and referred to the Standing Committee on Rules.

Senator Mitchell offered the following Senate Joint Resolution, to-wit:

**SJR 53. COMMENDING THE PRATTVILLE JUNIOR HIGH SCHOOL SCIENCE OLYMPIAD TEAM FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, the Alabama Legislature recognizes the importance and desirability of promoting scholarship, leadership, and the achievement of excellence among Alabama youth, and the value of academic competitions in recognizing and rewarding their efforts and achievements; and

WHEREAS, the Prattville Junior High School Science Olympiad Team, Prattville, Alabama, has brought recognition to its school, teachers, community and state by placing first in both regional and state competition and, on May 20, 1995, for the second year in a row, this outstanding group of young people will represent Alabama competing against the top 52 teams in the nation for the national title; and

WHEREAS, the members of this exceptionally talented team, each of whom, under the able direction of Coach Beronica Covington, has greatly contributed to an outstanding team effort are: Ashley Abernathy, Adam

Broxson, Abbey Bunning, Niki Creel, Joe Davis, Mary DeRamus, Laura Emerson, Elizabeth Forward, Miranda Hasley, Barbara Hattemer, Katherine Hughes, Josh Jackson, Ashley Kee, Sara Knight, Mandy Littlejohn, Georgia Mallory, Lindsey McCorkle, Nailah Mims, Zalika Mims, Jenny Owens, Katherine Sanford, Annie Schmitz, Nicholas Seamon, Jennifer Secrest, Abby Sellers, Leslie Waters, and Jessica Williams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and applaud the Prattville Junior High School Science Olympiad Team and express pride and congratulations in their accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided as an expression of our tribute and esteem and of our sincere best wishes for every future success.

On motion of Senator Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Armistead offered the following Senate Joint Resolution, to-wit:

**SJR 54.** COMMENDING DR. AND MRS. DEWEY ANDERSON WHITE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the 50th Wedding Anniversary of Dr. and Mrs. Dewey Anderson White, Jr., on May 20, 1995; and

WHEREAS, Dewey White and Lilian "Lil" Leland Culley were joined in matrimony on May 20, 1945, at the South Highland Presbyterian Church in Birmingham, and, through the years, their commitment to the ideals of marriage has served not only to enrich their lives, but as an example to be emulated by others; and

WHEREAS, they have distinguished themselves as respected and valued members of their community, and, most especially, as loving and devoted parents and grandparents to their four children: Lilette, Nancy, Janet, and Andy, and nine grandchildren: Andy, Glen, Van, Brett, Anderson, Chip, Laura, Britt, and Claire; and

WHEREAS, the Whites, who own and operate a blueberry farm and nursery in Pelham, have dedicated untold hours in devoted service to their community and, most especially, to their children, their first priority; and

WHEREAS, Dr. White has served as Executive Director and Chairman of the Board of the King's Ranch, and as Little League coach and Commissioner; Mrs. White as leader for Brownie and Girl Scout troops, and president of PTA; and both have co-sponsored 8th and 9th grade Cotillion, and taught Sunday School, among other activities; and

WHEREAS, also of note, Dr. White, a retired Birmingham Pediatrician, was the first physician to serve as a member of the Alabama Legislature, initially as a member of the Alabama House of Representatives from 1974-1978, and following as a member of the Alabama Senate; and Mrs. White, always his devoted supporter, became an active member of the Alabama Legislative Wives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in celebrating the Golden Wedding Anniversary of Dr. and Mrs. Dewey Anderson White, Jr., and direct that they receive a copy of this resolution of sincere commendation, with warm best wishes for many more years together in their marriage so richly blessed by God.

On motion of Senator Armistead, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Armistead then offered the following Senate Joint Resolution, to-wit:

**SJR 55. HONORING MRS. ANN B. HEAD OF COLUMBIANA, ALABAMA.**

WHEREAS, it is on the occasion of her retirement from 28 years of service of teaching, including 16 as principal of Elvin Hill Elementary School, that the Alabama Legislature warmly congratulates Mrs. Ann B. Head of Columbiana, Alabama, for outstanding achievements; and

WHEREAS, under the leadership of principal Ann B. Head, Elvin Hill Elementary School has grown and expanded, instituting such programs as the Annual Social Studies and Science Fair, Adopt-A-School program with businesses and clubs, and the Fluoride Swish for children program; and

WHEREAS, in an effort to ensure that the school remains at the forefront, Ann B. Head has actively promoted technological advancements at Elvin Hill Elementary School by installing computers in all rooms, advanced technology in the library, and closed circuit televisions in all rooms; and

WHEREAS, the chairperson of Shelby County's Principal Association, Mrs. Head has been recognized personally for her tremendous accomplishments, being a nominee for such prestigious awards as the National Distinguished Principals Award for Shelby County, Child's Advocate Award, and the National PTA Educator of the Year; and

WHEREAS, a native of Hamlet, North Carolina, and graduate of the University of North Carolina, Mrs. Head is the devoted wife of Oliver P. Head, and they are the proud parents of Frank, Dan, Andy, Jason, and Marjorie; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of 28 years of outstanding service to the youth of Alabama, we hereby commend Mrs. Ann B. Head on the occasion of her retirement as principal of Elvin Hill Elementary School, and furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Senator Armistead, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTION IN WRITING

Senator Waggoner offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

Pursuant to the Notice in Writing previously given, I move that Rule No. 4 of the Rules of the Senate be amended to read as follows:

"RULE 4. No person shall be admitted to the floor of the Senate's Chamber while the Senate is in session except members. Former members of the Legislature, except registered lobbyists, and former Lieutenant Governors, the officers and employees of the two houses, the employees of the Presiding Officer, the Governor and his ~~secretary~~ representative, representatives of the press, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work shall also be admitted to the floor and all of whom shall be placed by the Secretary of the Senate. On the first legislative day of any regular, special or organizational session, the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate."

Which was read and referred to the Standing Committee on Rules.

### **MOTION TO ADJOURN**

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 16, 1995, at 2 o'clock P.M., which motion was adopted.

### **UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 232.** To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

Senator Little offered the following amendment to the Bill, SB 232, to-wit:

### **AMENDMENT TO SB 232**

Amend SB 232 Page 2 Line 21, as follows:

Delete the word "pay"

On motion of Senator Dixon, said amendment was laid on the table.

Yeas 16 Nays 7

Yeas:

Senators:

Armistead, Biddle, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Lipscomb, McClain, Mitchell, Myers, Smith, Smitherman, Steele, and Waggoner -16

Nays:

Senators:

Adams, Barron, Clay, Davidson, Langford, Little, and Sanders - 7

### **RECESS**

At 11:50 A.M., on motion of Senator Mitchell, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF SB 232**

The Senate proceeded to further consideration of the Bill, SB 232.

Senator Little offered the following amendment No. 2 to the Bill, to-wit:

**AMENDMENT NO. 2 TO SB 232**

Amend SB 232 Page 2 Line 5, as follows:

Delete the figure “III”

And insert in lieu thereof the figure “IV”

On motion of Senator Dixon, further consideration of the Bill, SB 232, and pending amendment No. 2, was postponed until the Eighth Legislative Day.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 56. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the Sixth legislative day of the 1995 Regular Session only:

**S. 240**

Educational institutions, bd. of ed. and under st. bd. of ed.  
job openings, posting of notices, req.

Page  
8

**S. 255**

Schools, lunch and breakfast program, Alabama Child  
Nutrition Law, estab., admin. by St. Bd. of Ed. and St.  
Supt. of Ed.

13

**6th Day**

<b>S. 74</b>	14
Contracts re improvements on real property, payments by owner and contractors to general contractors, subcontractors, and suppliers within specified times, interest	
<b>S. 276</b>	15
Child labor statutes, conform with federal laws. Secs. 25-8-1 to 25-8-25, inclusive, 25-8-27, 25-8-28, 25-8-30, 25-8-31 repealed	
<b>S. 331</b>	21
Certain persons caring for Olympic participants, exempt from licensure, certification and registration	
<b>S. 317</b>	25
Mental Health and Mental Retardation Dept., FBI background check auth., Sec. 22-50-90 am'd.	
<b>S. 354</b>	25
Child Care Commission, estab.	
<b>S. 330</b>	24
Income tax, credit for cert. partnerships and limited liability corporations, new code Section 41-10-44.16 added	
<b>S. 209</b>	3
Insurance premium finance companies reg., max. service charge, time limits, Secs. 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, 27-40-17 am'd.	

On motion of Senator Lindsey, the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman, B.I.R., SB 240, lost, for failure to receive the required three-fifths of those present and voting.

Yeas 11 Nays 9

Yeas:

Senators:

Denton, Figures, Freeman, Lindsey, Little, McClain, Mitchell, Roberts, Sanders, Smitherman, and Steele

-11

Nays:

Senators:

Adams, Armistead, Biddle, Dial, Dixon, Lipscomb, Myers, Smith, and Waggoner

- 9



**FURTHER CONSIDERATION OF SB 29**

The Senate proceeded to further consideration of the Bill:

**S. 29.** To amend Section 40-12-290 of the Code of Alabama 1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

having been postponed on the Fourth Legislative Day.

Senator Figures offered the following substitute for the Bill, SB 29, to-wit:

**SUBSTITUTE FOR SB 29**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to motor vehicles; to amend Sections 40-12-290 and 40-12-291 of the Code of Alabama 1975; to provide for the issuance of a one-year antique license plate or tag only for those vehicles operated as a collector's item; to define an antique vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; and to specify further the design of the plate or tag.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 40-12-290 and 40-12-291 of the Code of Alabama of 1975, are amended to read as follows:

“§40-12-290.

“(a) Subject to the requirements of subsections (b), (c), (d), and (e), the owner of any a motor vehicle which is more than 25 years old and which is owned and operated primarily as a collector's item, upon application to the Commissioner of Revenue of the State of Alabama on special application forms prescribed by the commissioner and the payment of a registration fee of \$10 twenty-five dollars (\$25), may register such the ve-

hicle as an "antique vehicle" and procure therefor permanent license plates or tags to be issued for and displayed on such vehicle in lieu of regular motor vehicle license plates or tags.

"(b) Beginning January 1, 1996, the owner of an antique vehicle which is owned and operated primarily as a collector's item may, upon satisfying the requirements of this subsection, register the vehicle as an "antique vehicle." The owner shall apply to the judge of probate or other county official authorized and required by law to issue license plates and tags. The owner shall use the special application form prescribed by the Commissioner of Revenue and shall pay a registration fee of twenty-five dollars (\$25). Upon satisfying these requirements, permanent antique vehicle license plates or tags shall be issued and displayed on the vehicle in lieu of a regular motor vehicle license plate or tag. The license plate or tag shall be valid for a period of one year from the date of purchase and shall be renewed as provided in subsection (c).

"(c)(1) The Commissioner of Revenue shall prescribe a special application form for the renewal of the antique license plate or tag. The form may require that the appropriate official be authorized to conduct a visual inspection of the antique vehicle. A renewed antique license plate or tag shall be valid for one year from the date of renewal and shall require the payment of a renewal fee of twenty-five dollars (\$25). The owner of the antique vehicle shall be issued a validation decal which shall be displayed on the license plate or tag of the vehicle.

"(2) This section shall not be construed to prohibit the issuance of an antique vehicle license plate or tag by mail, when otherwise authorized by law. If a visual inspection is required of an antique vehicle owned by a person requesting plates or tags by mail, the inspection shall be at the location designated by the owner of the vehicle.

"(d) For the purpose of this section, an antique vehicle is a motor vehicle over 25 years old with a correct engine and body of that era. For purposes of this section, a motor vehicle shall have the meaning specified in Section 40-12-240.

"(e)(1) Effective January 1, 1996, it shall be unlawful for any person to operate, on the public highways of this state, a vehicle based in this state and displaying an antique motor vehicle plate or tag not in compliance with subsections (b), (c), and (d).

"(2) Any person violating this section shall, upon conviction, pay a fine of not less than one hundred dollars (\$100), shall forfeit the antique vehicle registration and plates issued to the person for the respective ve-

hicle, shall be liable for the regular registration fee and taxes for the vehicle, and shall be barred from applying for or holding an antique vehicle registration for three years from the date of the violation. This penalty shall be in lieu of any other penalty specified in this chapter for this offense.

“§40-12-291.

““Antique vehicle” license plates or tags shall be of such size and design as the Commissioner of Revenue may prescribe, shall bear no date, shall have inscribed thereon the words “antique vehicle” and run in a numerical series commencing with “antique vehicle No. 1,” and shall be of a color different from regular motor vehicle license plates or tags and shall be valid without renewal. The plates or tags shall be of an appropriate size for the type of vehicle on which it is placed.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Dial moved that said substitute be laid on the table, which motion was lost.

Yeas 10 Nays 17

Yeas:

Senators:

Adams, Barron, Davidson, Dial, Dixon, Ghee, Hill, Poole, Smith, and Waggoner -10

Nays:

Senators:

Bailey, Bedford, Biddle, Butler, Clay, Denton, Escott-Russell, Figures, Freeman, Lindsey, Little, McClain, Mitchell, Myers, Roberts, Sanders, and Smitherman -17

And said substitute was then adopted.

Yeas 17 Nays 8

Yeas:

Senators:

Bailey, Bedford, Biddle, Butler, Clay, Denton, Escott-Russell, Figures, Hill, Lindsey, Little, McClain, Mitchell, Myers, Roberts, Sanders, and Smitherman -17

Nays:

Senators:

Adams, Amari, Barron, Dial, Dixon, Ghee, Smith, and Waggoner - 8

Senator Ghee offered the following amendment to the Bill, SB 29, as amended by the substitute, to-wit:

**AMENDMENT TO SB 29, AS AMENDED**

On page 1, on line 17, delete the language “one-year” and insert in lieu thereof:

five-year

On page 1, on line 23, delete the language “one year” and insert in lieu thereof:

five years

On page 2, on line 17, delete “one-year” and insert in lieu thereof:

five-year

On page 2, on line 18, after the language “item;”, insert:

to permit current holders of an antique plate or tag a certain time period prior to being required to purchase or renew the plate or tag;

On page 3, on line 25, delete the language “one year” and insert in lieu thereof:

five years

On page 3, on line 26, after the period, insert the following:

A person issued an antique vehicle license plate or tag prior to January 1, 1996, shall not be required to purchase another plate or tag or renew the plate or tag as required by this section until January 1, 2001.

On page 4, on line 6, delete the language “one year” and insert in lieu thereof:

“five years”

On motion of Senator Figures, said amendment was laid on the table.

Senator Figures offered the following amendment to the Bill, SB 29, as amended by the substitute, to-wit:

**AMENDMENT TO SB 29, AS AMENDED**

Amend SB 29, as amended by the substitute, on page 2, line 3, after the period by inserting the following language.

“This bill will provide for the distribution of receipts from the registration of antique vehicles and from the registration of other vehicles that are more than 25 years old.”

Further amend the bill, as amended by the substitute, on page 2, line 21 after the semi-colon by inserting the following:

“to provide for the distribution of proceeds from the registration of antique vehicles and from the registration of other vehicles that are more than 25 years old;”

Further amend the bill, as amended by the substitute, on page 2, lines 16 and 24 by striking the word “and” and by inserting in lieu thereof a comma “,”

Further amend on page 2, lines 16 and 24, after the figure “40-12-291” and insert in lieu thereof the following:

“and 40-12-296”;

Further amend the bill, as amended by the substitute, on page 5, after line 19 by inserting the following:

“§40-12-296.

“Any other law to the contrary notwithstanding, All all moneys derived from the registration and licensing of antique motor vehicles and from the registration and licensing of other vehicles that are more than 25 years old shall be distributed as follows:

2-1/2 percent for the administrative costs of the Probate Judge (or to the county general fund if the Probate Judge is not on the fee system);

5 percent to the Public Road and Bridge Fund, with as much as required to be appropriated by the Legislature to the Department of Revenue for administrative expenses related to this tax and tag costs; the remainder to be distributed;

72 percent to the State General Fund to be used by the Department of Public Safety for the cost of traffic regulation, and for the expense of enforcing state traffic and motor vehicle laws;

21 percent as provided for in Section 40-12-270 (a)(2)b; and

7 percent as provided for in Section 40-12-270 (a)(2)c shall be paid into the same fund in the State Treasury that moneys derived from regular motor vehicle license taxes are paid. Such moneys may be used for the same purposes and disbursed in the same manner prescribed for moneys derived from regular motor vehicle license taxes."

Which was adopted.

Yeas 16 Nays 7

Yeas:

Senators:

Bailey, Barron, Biddle, Clay, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchell, Myers, Roberts, Sanders, and Smitherman -16

Nays:

Senators:

Denton, Dial, Ghee, Hill, Little, Smith, and Waggoner - 7

Senator Smith offered the following amendment to the Bill, SB 29, as amended by the substitute, as amended, to-wit:

### AMENDMENT TO SB 29, AS AMENDED

On page 4, after the period on line 5, delete all language beginning with "A" through "\$25)." on line 8.

On motion of Senator Figures, said amendment was laid on the table.

And said Bill, SB 29, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 14 Nays 12

Yeas:

Senators:

Bailey, Butler, Clay, Escott-Russell, Figures, Freeman, Langford, Lindsey, McClain, Mitchell, Myers, Roberts, Sanders, and Smitherman -14

Nays:

Senators:

Amari, Biddle, Denton, Dial, Dixon, Ghee, Hale, Hill, Little, Poole, Smith, and Waggoner -12

**FURTHER CONSIDERATION OF SB 146**

The Senate proceeded to further consideration of the Bill:

**S. 146.** To amend Section 4 of Act No. 93-133, H. 285, 1993 Regular Session in order to continue the circuit and district court fee increases established by Act No. 92-227, H. 605, 1992 Regular Session.

having been postponed on the Fifth Legislative Day.

On motion of Senator Freeman, further consideration of the Bill, SB 146, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., SB 255, offered.

**ADJOURNMENT**

At 2:30 P.M., on motion of Senator Dial, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, SB 255, the Senate adjourned until Tuesday, May 16, 1995, at 2 o'clock P.M.

Yeas 16 Nays 9

Yeas:

Senators:

Adams, Amari, Barron, Biddle, Denton, Dial, Dixon, Escott-Russell, Freeman, Little, McClain, Mitchell, Myers, Smith, Smitherman, and Waggoner  
-16

Nays:

Senators:

Bailey, Butler, Figures, Ghee, Hill, Langford, Lindsey, Poole, and Roberts  
- 9

## **SEVENTH LEGISLATIVE DAY**

**TUESDAY, MAY 16, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Jimmy C. Johnson, Hargrove Elmore Center, United Methodist Church, Gordo, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lauren Johnston, J. F. Drake Middle School, Auburn, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.



**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 29.** Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291 and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a one-year antique license plate or tag only for those vehicles operated as a collector's item; to define an antique vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; to provide for the distribution of proceeds from the registration of antique vehicles and from the registration of other vehicles that are more than 25 years old; and to specify further the design of the plate or tag.

PAT LINDSEY,  
Chairperson.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 46.** COMMENDING BUCKS AND BOBBY WEIL FOR OUTSTANDING ACCOMPLISHMENTS.

GREG PAPPAS,  
Clerk.

**COMMUNICATION FROM SPEAKER CLARK**

Honorable McDowell Lee  
Secretary of the Senate  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

On October 18, 1994, I appointed Mr. Richard E. Wambsganss to the Alabama Family Trust and Charitable Trust, Board of Trustee, subject to Senate confirmation. I did not learn until a short time ago Mr. Wambsganss appointment was not sent to the Senate for confirmation.

I would appreciate your sending his name for confirmation in the 1995 Regular Session.

With warm personal regards, I am

Sincerely,

JAMES S. CLARK,  
Speaker.

Which was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 5th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Jane Gullatt of Phenix City, Alabama to serve as a member of the Alabama Commission

on Higher Education effective May 5, 1995. She will be representing the 3rd Congressional District. Her term will expire August 31, 2003.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 5th day of May, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. Conan Davis of Mobile, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. He will be representing the 1st Con-

gressional District. His term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. Carl Schauble of Ozark, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. He will be representing the 2nd Congressional District. His term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Caroline Aderholt of Haleyville, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. She will be representing the 4th Congressional District. Her term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Patricia Sigers of Birmingham, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. She will be representing the 7th Congressional District. Her term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-

**7th Day**

tive to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Garrett of Calera, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. He will be representing the 6th Congressional District. His term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Snoddy of Huntsville, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. He will be representing the 5th Congressional District. His term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama



Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Norris Anderson of Leeds, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. He will be representing the 3rd Congressional District. His term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. James W. Holland of Dothan, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. He will be a representative of local school boards. His term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Textbook Committee.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 11th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Eddie W. McClain of Childersburg, Alabama, to serve as a member of the Alabama State Textbook Committee effective May 15, 1995. He will be a representative of local school boards. His term will expire May 15, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 11th day of May, 1995.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Textbook Committee, was read and referred to the Standing Committee on Confirmations.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Mitchell:

**S. 430.** Providing further for the office of the Attorney General by amending Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-10, 36-15-10.1, 36-15-11.1, 36-15-21, and 36-15-60 of the Code of Alabama 1975, relating to the duties, personnel, and certain funds of the office and repealing Sections 36-15-2, 36-15-4, 36-15-7, 36-15-8, 36-15-11, 36-15-18, and 36-15-20 of the Code of Alabama 1975.

Committee on Governmental Affairs

By Senator Freeman:

**S. 431.** To repeal Sections 28-3-220 to 28-3-226, inclusive,

Code of Alabama 1975, in their entirety.

Committee on Economic  
Expansion and Trade

By Senator Windom:

**S. 432.** To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the “Mini-Code,” which pertains to consumer credit transactions; to amend Section 5-19-3, to provide that credit sales may be financed at one and one-half percent per month; to amend Section 5-19-4, to permit annual charges for open-end credit plans and loan fees and to increase permissible late charges which may be imposed for late payment; to amend Section 5-19-4, to specify that recording taxes prescribed by law and paid to public officials are within the fees permitted by subsection (f) of Section 5-19-4; to amend Section 5-19-6, to specify the requirement that creditors provide a copy, but not a “duplicate” of any consumer credit agreement with the borrower and to clarify that the type size of the “caution” language shall be in not less than eight-point type; to amend Section 5-19-11, to further specify the 1990 Amendments to that section, restating that a consumer credit contract that violates the Mini-Code is not completely void and unenforceable as a result of the violation; to amend Section 5-19-16, to only allow the unconscionability doctrine as a defense, and not to obtain affirmative relief, and to affirmatively state that a creditor who performs under a contract later determined to be unconscionable, is entitled to restitution; to amend Section 5-19-19, to specify that the imposition of excess charges or fees by creditors under Sections 5-19-4, 5-19-10, and 5-19-20, does not constitute the charging of an excess finance charge for the purposes of Section 5-19-19, and to modify the penalty for a creditor who charges an excess finance charge by first requiring an aggrieved debtor to give notice to the creditor charging an excess finance charge, giving the creditor an opportunity to cure the same without penalty, and to provide that if the creditor fails to act upon the notice, the creditor then forfeits its right to a finance charge and is required to pay any actual damages sustained by the borrower; to amend Section 5-19-20, to specify the ability of creditors to protect their interest in consumer loan collateral by permitting creditors to purchase insurance on the collateral if the borrower fails to do so and to clarify existing law with respect to insuring the lien of the creditor in both purchase money and nonpurchase money transactions, and to give the administrator the power to approve the sale of new credit insurance products; to amend Section 5-19-21, to empower the administrator to issue interpretive rulings concerning the meaning of the Mini-Code or the administrator’s regulations and to provide that a creditor is entitled to rely on the administrator’s regulations and official interpretive rulings and is immune from suit under the Mini-Code or any other cause of

action regarding actions taken in reliance thereon; to amend Section 5-19-24, to provide that examinations and investigations of the State Banking Department and the books and records of licensees in the possession of the State Banking Department, are confidential and not subject to production to persons other than those within the State Banking Department; and to add two new sections to Title 5, Chapter 19, as follows: Section 5-19-32, to specifically provide for mediation, arbitration, or other alternative dispute resolution devices in consumer credit transactions; and Section 5-19-33, to permit creditors to sell and finance service policies, or both, and to define a service policy as not constituting insurance.

Committee on Banking  
and Insurance

By Senator Roberts:

**S. 433.** Relating to Morgan County, to propose an amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to continue to levy a county-wide 4.3 mill and 1.5 mill ad valorem tax as originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of all public schools in Morgan County.

Committee on Local  
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Ghee:

**S. 434.** To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to

**7th Day**

conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

Committee on Governmental Affairs

By Senator Ghee:

**S. 435.** To provide for the establishment of quality assurance programs in emergency medical services, to exempt the same from disclosure or civil discovery, and for other purposes.

Committee on Governmental Affairs

By Senator Roberts:

**S. 436.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Morgan County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

Committee on Fiscal Responsibility  
and Accountability

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

**S. 437.** To exempt payment of state income taxes by international employees of agricultural and fertilizer research organizations located within the state and to provide a retroactive effective date.

Committee on Fiscal Responsibility  
and Accountability

By Senator Roberts:

**S. 438.** Relating to Morgan County; to authorize the Morgan

County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of the Hartselle city schools.

Committee on Local  
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Butler:

**S. 439.** Relating to pharmacists; to provide for the registration and regulation of pharmacy technicians; and to provide for definitions.

Committee on Health  
and Human Resources

By Senator Roberts:

**S. 440.** Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a 3.6 mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the Decatur public schools.

Committee on Local  
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Roberts:

**S. 441.** Relating to Morgan County, to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967 and scheduled to expire on September 30, 1995, for the benefit of the schools under the jurisdiction of the Morgan County Board of Education.

Committee on Local  
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Bedford:

**S. 442.** To clarify the compensation and duties of county boards of equalization; to amend Sections 40-3-7, 40-3-8, 40-3-10, 40-3-13, 40-3-16, 40-3-19, and 40-3-20, Code of Alabama 1975; to repeal Sections 40-3-9, 40-3-11, 40-3-12, 40-3-17, and 40-3-18, Code of Alabama 1975, relating to property inventory requirements and other official duties of boards of equalization and county tax assessing officials; and to provide that any future increase in compensation provided by local legislative act shall be paid entirely by the county in which the board members serve.

Committee on Judiciary

By Senators Steele, McClain, Smitherman, Clay, Davidson, and Escott-Russell:

**S. 443.** To provide for the Alabama Mental Health Consumers' Rights Act.

Committee on Health  
and Human Resources

By Senator Bedford:

**S. 444.** To amend Section 13 of Act No. 94-804 of the 1994 First Special Session, now appearing as Section 36-18-32 of the Code of Alabama 1975; to create the Judicial Education Trust Fund and the Sheriffs' Education Trust Fund; to increase the assessment fee on certain municipal, district, and circuit court cases and to specify the distribution and use of the fees; and to make appropriations for the fiscal year ending September 30, 1995.

Committee on Judiciary

By Senator Bedford:

**S. 445.** Relating to the State Personnel Department and Merit System; to provide for preference points to be added to any earned ratings in examination for entrance to the classified service by certain persons with certain specified associate degrees.

Committee on Veterans  
and Military Affairs

By Senator Bedford:

**S. 446.** To establish a pension fund for Alabama firefighters;



to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

Committee on Fiscal Responsibility  
and Accountability

By Senator Lindsey:

**S. 447.** To establish the “Prevention of Youth Access to Tobacco Act of 1995”; to regulate the sale and distribution of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975, relating to selling cigarettes to minors.

Committee on Commerce,  
Transportation, and Utilities

By Senator Lindsey:

**S. 448.** Providing a certain preference for certain in-state paper recycling plants purchasing waste paper for recycling purposes from the offices of state departments, agencies, and institutions.

Committee on Governmental Affairs

By Senators Bailey, Adams, Butler, and Freeman:

**S. 449.** To amend Section 40-9B-3, Code of Alabama 1975; to expand the industrial or research enterprise categories which qualify for tax abatements to include cotton gins; and to provide a retroactive effective date.

Committee on Fiscal Responsibility  
and Accountability

By Senator Mitchem:

**S. 450.** To amend Section 40-12-264, Code of Alabama 1975, relating to the issuance of dealer license plates; to allow a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer to obtain dealer plates based on combined retail and wholesale sales of motor vehicles.

Committee on Economic  
Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Gaston, Carter, and Papucci:

**H. 150.** To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 150 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hooper, Warren, Carter, Ford, Dolbare, Fuller, Smith, Burke, Sanderson, Box, Moore, Gipson, Curry, Lindsey, Laird, Venable, Baker, Knight (A), Dukes, McMillan, Penry, Rogers (J), Layson, Collins, Vance, Turnham, and Galliher:

**H. 126.** To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the

governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 126 - to the Committee on Fiscal Responsibility and Accountability

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P) (With Notice and Proof):

**H. 78.** Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 78, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Parker (P) (With Notice and Proof):

**H. 86.** Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 86, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Gipson (With Notice and Proof):

**H. 284.** Relating to Autauga County; relating to the compensation and expense allowance for the Sheriff of Autauga County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 284, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Allen (With Notice and Proof):

**H. 302.** Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 302, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Thomas (D) and Galliher (With Notice and Proof):

**H. 460.** Relating to St. Clair County; to amend Sections 1 and 2 of Act No. 80-280, S. 459, 1980 Regular Session (Acts 1980, p. 394), to provide further for personnel in the office of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 460, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Allen (With Notice and Proof):

**H. 486.** To repeal Act No. 323, H. 514, 1975 Regular Session, relating to compensation increases for certain employees of the Sheriff's Department in Tuscaloosa County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 486, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 78, 86, 284, 302, 460, and 486 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (D):

**H. 406.** To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 406 - to the Committee on Constitution, Campaign Finance,  
Ethics, and Elections

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gaines:

**H. 218.** Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions concerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

Also:

By Rep. Newton (D):

**H. 369.** To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 218 and 369 - to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall (A), Sanderford, Jorgensen, Hayden, and McClammy:

**H. 451.** To amend Sections 34-37-4, 34-37-5, and 34-37-6 Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to extend the time period in which certain applicants may be licensed by the board without being required to take an examination.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 451 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Guin, Crigler, Hooper, Gipson, Sanderford, Townsend, Laird, and Turner:

**H. 195.** Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 195 - to the Committee on Commerce, Transportation, and Utilities

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hammett, Flowers, Gaston, Jorgensen, Hill, Wren, Hawkins, Sanderson, and Hooper:

**H. 219.** Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of



liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 219 - to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 49.** EXTENDING CONGRATULATIONS TO THE HONORABLE AND MRS. DEWAYNE FREEMAN OF HUNTSVILLE, ALABAMA, ON THE BIRTH OF A SON, MADISON BAILLIE FREEMAN, APRIL 27, 1995.

Also:

**SJR 53.** COMMENDING THE PRATTVILLE JUNIOR HIGH SCHOOL SCIENCE OLYMPIAD TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 54.** COMMENDING DR. AND MRS. DEWEY ANDERSON WHITE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

**SJR 55.** HONORING MRS. ANN B. HEAD OF COLUMBIANA, ALABAMA.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Wren:

**H. 202.** To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a lay-off, the appointing authority shall first layoff nonessential employees under contract as determined by a vote of the State Personnel Board and politically appointed employees with the exception of heads of departments, heads of boards, heads of commissions, and heads of authorities. Exceptions will also include unclassified employees and contractors who provide direct patient and health care services.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 202 - to the Committee on Finance and Taxation General Fund

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Turnham, Johnson (R), and Box:

**H. 92.** To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to provide for certain retirees who are elected to public office to continue to draw certain benefits under certain conditions; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teach-

ers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 92 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Johnson (R):

**H. 132.** To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety and with the approval of the state official under protection.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 132 - to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee (With Notice and Proof):

**H. 31.** Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officials for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines. This shall be in addition to the compensation established by Section 17-6-13 of the Code of Alabama 1975, as amended.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

**H. 418.** Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 418, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Dolbare (With Notice and Proof):

**H. 432.** Relating to Washington County; providing for the assessment of an additional fee on all documents submitted for recording in the Probate Court which are subject to a deed or mortgage tax; and providing for the deposit of the funds into the Washington County General Fund on a monthly basis to be used for general county purposes including, but not limited to, computerization of county courthouse functions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 432, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 31, 418, and 432 - to the Committee on Local Legislation No.

1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 42.** TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Lindsey the Senate concurred in and adopted the following House amendment to the Resolution, SJR 42, the title of which is set out in the foregoing Message from the House, to-wit:

**SUBSTITUTE FOR SJR 42**

**SJR 42.** TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.

WHEREAS, Article V of the Constitution of the United States requires that whenever two-thirds of both Houses of Congress propose amendments to the Constitution, ratification of those amendments is required by three-fourths of the Legislatures of the States; and

WHEREAS, amendments proposed to the Constitution of the United States have a serious impact upon the process of government and upon the lives of every citizen of this nation; and

WHEREAS, the Congress is now in the process of considering an amendment to the Constitution which would require the budget of the federal government to be balanced; and

WHEREAS, upon the adoption of a balanced budget amendment by Congress, the Alabama Legislature will be called upon to consider this amendment; and

WHEREAS, the prospect of a federally balanced budget may require Congress to significantly alter the federal budget which could have serious repercussions upon the budget of the State of Alabama, local and county governments, and the educational system of this State; and

WHEREAS, for the Alabama Legislature to be properly prepared for any deliberation on a federal balanced budget amendment, there is need for a bipartisan, unbiased review of the impact the federal budget now has upon the State of Alabama, and what impact a balanced budget amendment for the federal government will have upon the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Balanced Budget Evaluation Committee which shall be charged with the responsibility to evaluate the impact that an amendment to the Constitution of the United States requiring the federal budget be balanced will have upon

**7th Day**

the State of Alabama, local and county governments, and the educational system of this State.

BE IT FURTHER RESOLVED, That the Balanced Budget Evaluation Committee shall be composed of three appointees of the Governor, three appointees of the Lieutenant Governor, one of which shall be a member of the Senate, and three appointees of the Speaker of the House of Representatives, one of which shall be a member of the House of Representatives. Staff assistance shall be provided to the Balanced Budget Evaluation Committee by the Legislature and the Governor is requested to lend the assistance of the State Budget Office to assist the Committee. The Balanced Budget Evaluation Committee shall report its findings to the Governor and Legislature no later than 180 days after Congress adopts a proposed amendment to balance the federal budget. Members shall be entitled to receive reimbursement for their actual expenses which shall be paid from funds appropriated to the Legislature and the Governor's Office. Expenses of the committee shall not exceed \$7,500 per year.

RESOLVED FURTHER, That this committee shall continue in existence until the final day of the 1998 Regular Session or the date upon which the Balanced Budget Amendment is ratified, whichever date occurs first, at which time the committee shall terminate.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Governor.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 142. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, May 18, 1995, they adjourn to meet again on Tuesday, May 23, 1995, and when they adjourn on Tuesday they adjourn to meet again on Thursday, May 25, 1995.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 142, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

**HJR 143.** CONDEMNING PARAMILITARY GROUPS ADVOCATING VIOLENCE AGAINST THE UNITED STATES GOVERNMENT.

Also:

By Rep. Box:

**HJR 147.** COMMENDING DIANNE DAVIS MCWAIN OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Hill and Knight (A):

**HJR 149.** COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.

Also:

By Rep. Box:

**HJR 150.** COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 143, 147, 149, and 150, set out in the fore-



going Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hilliard:

**HJR 146.** EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 146, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hawkins and Fuller:

**H. 68.** Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 68 - to the Committee on Health and Human Resources

**COMMITTEE REPORT FILED**

Pursuant to the provisions of Act No. 92-56, the report of the Legislative Oversight Committee of the Alabama International Airport Authority was filed with the Secretary.

**MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, May 17, 1995, at 9 o'clock A.M., which motion was adopted.

**REPORTS OF COMMITTEES**

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Freeman:

**S. 342.** Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Poole:

**S. 83.** Proposing an amendment to Section 126 of the Constitution of Alabama of 1901, to expand the Governor's item veto power to allow item veto of any appropriation bill embracing distinct items after final adjournment of the Legislature and to further define the Governor's item veto power.

The above Bill was read a second time at length as required by the Constitution.

Senator Denton, Chairperson of the Standing Committee on Con-

stitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Ghee, Denton, Little, Windom, Escott-Russell, Mitchell, and Figures (With Substitute):

**S. 265.** Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; and to make an appropriation.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**S. 415.** To provide for the Alabama Bill of Rights Act for persons with developmental disabilities and traumatic brain injury.

By Reps. Flowers, Sanderson, Box, Hooper, Layson, Hall (A), Hinshaw, Gaston, Wren, Guin, and Black (M):

**H. 120.** To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

Senator Amari, Chairperson of the Standing Committee on Business and Labor, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Amendment):

**S. 320.** To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

Senator Amari, Chairperson of the Standing Committee on Business and Labor, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Steele and Langford:

**S. 346.** To amend Section 25-4-78, Code of Alabama 1975, as amended by Act No. 94-719, H. 814, 1994 Regular Session, relating to disqualifications for unemployment compensation benefits so as to remove lockout from the disqualifications.

By Senators Bedford, Windom, Roberts, and Smitherman:

**S. 372.** To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer, certified police officer, or reserve law enforcement officer is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

By Rep. Curry:

**H. 60.** To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford, Windom, Roberts, and Smith:

**S. 373.** Relating to public employees; to prohibit an automobile insurance carrier of a public employee from considering motor vehicle accidents in government vehicles.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford:

**S. 14.** To amend Section 36-21-1, Code of Alabama 1975, to increase the maximum amount reimbursed to law enforcement officers for the cost of defending certain lawsuits.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

**S. 150.** To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$6,600,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,980,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to

provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; and to provide for an effective date.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Butler, Freeman, and Hale:

**S. 371.** To exempt the American Bowling Congress and any predecessor organization or entity from the payment of all state, county, and municipal sales and use taxes.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Lipscomb, Adams, Windom, Mitchell, Little, Butler, Smith, Biddle, and Armistead (With Amendments):

**S. 390.** Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties

for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Notice and Proof):

**S. 20.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

By Senator Langford (With Notice and Proof):

**S. 321.** Relating to Montgomery County; providing further for the compensation of all election officials.

By Rep. Morrow (With Notice and Proof):

**H. 410.** Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

By Rep. Morrow (With Notice and Proof):

**H. 411.** Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

By Rep. Letson (With Notice and Proof):

**H. 221.** Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

By Rep. Letson (With Notice and Proof):

**H. 222.** Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Smitherman and McClain:

**S. 416.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the city.

The above Bill was read a second time at length as required by the Constitution.

### RESOLUTIONS

Senators Dial and Smith offered the following Senate Resolution, to-wit:

**SR 57.** EXPRESSING SUPPORT FOR JUDGE ROY MOORE.

Which was read and referred to the Standing Committee on Rules.

Senator Butler offered the following Senate Joint Resolution, to-wit:

**SJR 58.** COMMENDING BROOKHILL ELEMENTARY SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of Brookhill Elementary School as one of the most outstanding elementary schools in America by Redbook Magazine; and

WHEREAS, located in Athens, Alabama, Brookhill Elementary School has consistently earned higher than the national averages on standardized achievement tests and continues to impress school board members; and

WHEREAS, Principal Gerald Perry, ably assisted by dedicated faculty, staff, and many caring parents, contributed extensively toward the achievement of this prestigious recognition, which further afforded the opportunity for showcasing the entire Athens School System and its many



innovations, such as the new computer network; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Brookhill Elementary School in honor of being selected as one of the most outstanding elementary schools in America.

BE IT FURTHER RESOLVED, That a copy of this resolution of pride and esteem be provided for Brookhill Elementary School for appropriate presentation and display.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler then offered the following Senate Joint Resolution, to-wit:

**SJR 59.** COMMENDING CLARENCE H. MCDANIEL OF THE ATHENS-LIMESTONE COUNTY COMMUNITY AS CITIZEN OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest commendation the distinguished community service of Clarence H. McDaniel and his selection as "Citizen of the Year" by the Athens-Limestone Chamber of Commerce; and

WHEREAS, Clarence McDaniel, a native of Chilton County, and a gentle, unassuming man who is highly sensitive to the needs of the community, has given freely and selflessly of his time and talents in volunteer service to his community and in response to the needs of his fellow citizens and area youth; and

WHEREAS, he has assisted the elderly and provided invaluable support to countless civic and service organizations, including the Athens-Limestone Kidney Association, the Chamber of Commerce, the Alabama Sheriff's Boys and Girls Ranches, and the Athens and Limestone County Boys and Girls Club, and as a deacon at the Trinity Congregational United Church of Christ, to name a few; and

WHEREAS, a naval veteran of World War II, Mr. McDaniel earned both his B.S. and Master's degrees from Alabama A&M and worked at the Alabama Cooperative Extension Service from 1952 to 1984, serving both Limestone County and the district; and

WHEREAS, Mr. McDaniel and his devoted wife, Betty, are the proud parents of two children, Clarence, Jr., and Linda, and grandparents to three; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the Athens-Limestone community in honoring Clarence H. McDaniel as "Citizen of the Year," and do further direct that he receive a copy of this resolution of sincere admiration and esteem.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler then offered the following Senate Joint Resolution, to-wit:

**SJR 60. COMMENDING MIKE BENNETT OF ATHENS, ALABAMA, AS BUSINESS PERSON OF THE YEAR.**

WHEREAS, the Alabama Legislature takes great pleasure in noting the selection of Mike Bennett of Athens, Alabama, as "Business Person of the Year" by the Athens-Limestone Chamber of Commerce; and

WHEREAS, Mike Bennett, a prominent area businessman, serves as president of Bennett's Department Store in Athens; and

WHEREAS, Mr. Bennett joined his father in the family business in 1980, following his graduation from Auburn University and, by 1982, the two had opened a second store in Clanton; and

WHEREAS, over the years, Mike Bennett has contributed significantly toward the growth and development of the Athens business community; under his capable management and supervision, the Athens store has undergone progressive remodeling and changes to better serve the ever-changing needs of area residents, and enhancing the downtown area and the overall economic well-being of the community; and

WHEREAS, in addition to business responsibilities, Mr. Bennett has further served his community as an active member of the Athens Rotary Club and the First United Methodist Church, and through other civic involvement; and

WHEREAS, Mr. Bennett and his supportive wife, Donna, are the proud parents of three children, son, Cory, and daughters, Emily and Sarah; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon his selection as "Business Person of the Year," we hereby most highly commend Mike Bennett of Athens, Alabama, and direct that he receive a copy of this resolution with sincere best wishes for every future success.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Freeman, Bedford, Butler, Waggoner, Mitchem, and Windom offered the following Senate Resolution, to-wit:

**SR 61.** URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

Which was read and referred to the Standing Committee on Rules.

Senators Freeman, Bedford, Butler, Waggoner, and Mitchem offered the following Senate Joint Resolution, to-wit:

**SJR 62.** URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

Which was read and referred to the Standing Committee on Rules.

Senators Little, Mitchell, Escott-Russell, Denton, Roberts, Biddle, Langford, Clay, Butler, Hale, Bailey, Ghee, Armistead, Davidson, Myers, Barron, Lindsey, Freeman, Waggoner, Hill, Windom, Dial, McClain, Adams, Steele, Smith, Smitherman, Mitchem, Bedford, Amari, and Poole offered the following Senate Joint Resolution, to-wit:

**SJR 63.** CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON STATE PURCHASING AND PROCUREMENT.

Which was read and referred to the Standing Committee on Rules.

Senator Little offered the following Senate Joint Resolution, to-wit:

**SJR 64.** COMMENDING COACH DOUG BARFIELD ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Coach Doug Barfield on the occasion of his retirement as Athletic Director and Head Football Coach of Opelika High School on June 30, 1995; and

WHEREAS, building the now powerhouse Bulldog program since 1990 in class 6A competition, Doug Barfield has lead the team to an outstanding record of 40 wins, 19 losses, and an astonishing three area championships; and

WHEREAS, Doug Barfield has previously served as Head Football Coach at Hillcrest-Evergreen, Andalusia High School, and UMS Wright, amassing a sparkling record of 117-54-2, which paved the way to assistant coaching positions at such notable programs as those of the University of Southern Mississippi, Clemson University, Auburn University, and Mississippi State University; and

WHEREAS, earning widespread regard and respect through his experience and coaching abilities, Doug Barfield was furthermore selected as Head Football Coach for the Auburn University Tigers serving from 1976-1980; and

WHEREAS, as much loved members of the Opelika community, Doug Barfield and his devoted wife, Betty, are the dedicated members of First Baptist Church of Opelika, Alabama, where Doug is an active deacon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his many outstanding accomplishments, we hereby accord highest commendation and warmest congratulations to Coach Doug Barfield on the occasion of his retirement as Athletic Director and Head Football Coach of Opelika High School, and furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

### **BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., HB 223, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Roberts, Smitherman, and Waggoner -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 223.** To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Dixon, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., HB 224, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 224.** Relating to Lawrence County; providing for the estab-

lishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Barron, Bedford, Butler, Clay, Dial, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### **SR 65. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the Seventh legislative day of the 1995 Regular Session only:

#### **H. 325**

Page  
45

Banks, Interstate and international banking, estab., Secs. 5-1A-1, 5-1A-6, 5-2A-2, 5-2A-8, 5-2A-23, 5-5A-18.1, 5-5A-20, 5-6A-25 am'd., Secs. 5-13A-1 to 5-13A-10, inclusive, 5-7A-45 repealed

#### **S. 74**

14

Contracts re improvements on real property, payments by owner and contractors to general contractors, subcontractors, and suppliers within specified times, interest

#### **S. 276**

15

Child labor statutes, conform with federal laws, Secs. 25-8-1 to 25-8-25, inclusive, 25-8-27, 25-8-28, 25-8-30, 25-8-31 repealed

**REGULAR SESSION  
7th Day**

433

<b>S. 331</b>	20
Certain persons caring for Olympic participants, exempt from licensure, certification and registration	
<b>S. 317</b>	24
Mental Health and Mental Retardation Dept., FBI background check auth., Sec. 22-50-90 am'd.	
<b>S. 209</b>	3
Insurance premium finance companies reg., max. service charge, time limits, Secs. 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, 27-40-17 am'd.	
<b>S. 292</b>	39
Motor vehicle dealers, privilege license taxes and reg., alt., Secs. 40-12-390, 40-12-391, 40-12-392 am'd., retroactive effect	
<b>S. 308</b>	27
Class 3 muns., nuisance abatement	
<b>S. 319</b>	36
Judicial Retirement System, proposed legislation affecting, req. to have actuarial statement, Sec. 36-27-26 am'd.	
<b>S. 70</b>	12
Alabama Commission on Higher Education, executive director appointment and confirmation req. by Senate, reconfirmation deleted, Sec. 16-5-4 am'd.	
<b>S. 280</b>	19
Child custody, cts. may award jt. custody when in best interests of child, ensure equal access to child's records	
<b>S. 330</b>	23
Income tax, credit for cert. partnerships and limited liability corporations, new code Section 41-10-44.16 added	

On motion of Senator Mitchell, the Resolution was adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers:

**H. 27.** To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 27 - to the Committee on Governmental Affairs

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 42.** TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.

Also:

**SJR 46.** COMMENDING BUCKS AND BOBBY WEIL FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

**SJR 49.** EXTENDING CONGRATULATIONS TO THE HONORABLE AND MRS. DEWAYNE FREEMAN OF HUNTSVILLE, ALABAMA, ON THE BIRTH OF A SON, MADISON BAILLIE FREEMAN, APRIL 27, 1995.

Also:



**SJR 53.** COMMENDING THE PRATTVILLE JUNIOR HIGH SCHOOL SCIENCE OLYMPIAD TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 54.** COMMENDING DR. AND MRS. DEWEY ANDERSON WHITE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

**SJR 55.** HONORING MRS. ANN B. HEAD OF COLUMBIANA, ALABAMA.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., SB 255, adopted.

Yeas 26 Nays 1

Yeas:

Senators:

Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -26

Nay: Senator Adams

- 1

### **UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 255.** To establish the "Alabama Child Nutrition Law"; to

**7th Day**

require local boards of education to establish school breakfast and lunch programs beginning with the 1995-96 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

The Standing Committee on Education reported the following amendment to the Bill, SB 255, to-wit:

**AMENDMENT TO SB 255**

Amend SB 255 on page 3, line 5, after the word “students” add the language “or ceases to be economically feasible”.

Further amend SB 255 on page 3, line 12, by deleting Section “c” in its entirety.

Further amend SB 255 on page 5, line 1, after the word “operation” delete the words “is prohibitive” and insert the words “ceases to be economically feasible”.

Which was adopted.

Yeas 25 Nays 0  
Abstaining 2

Yeas:

Senators:

Adams, Bailey, Bedford, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

Abstaining:

Senators:

Amari and Armistead

- 2

Senator Dial offered the following amendment to the Bill, SB 255, as amended, to-wit:

**AMENDMENT TO SB 255, AS AMENDED**

On page 5, lines 13-15, delete Section 9 in its entirety and insert in lieu thereof the following:

“Section 9. This act shall become effective only if the Governor’s education reform legislation does not become law.”

On motion of Senator Little, the Rules were suspended and further consideration of the Bill, SB 255, and pending amendment, was postponed subject to the call of the Chair.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 163.** To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

GREG PAPPAS,  
Clerk.

### BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 325, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Clay, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Smitherman, Steele, and Windom -24

Nays:

- 0

### SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount,

and continuing order of business for today, the first of which was the Bill:

**H. 325.** Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the “Alabama Interstate and International Banking Act of 1995”; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to “Alabama Banking Code” to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of “Alabama Banking Code”; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; to amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

And said Bill, HB 325, was read a third time at length and passed.

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Amari, B.I.R., SB 74, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 74.** To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

was taken up.

Senator Amari offered the following substitute for the Bill, SB 74, to-wit:

### **SUBSTITUTE FOR SB 74**

#### **A BILL TO BE ENTITLED AN ACT**

To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

## BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purpose of this act, the following words have the following meanings:

(1) **CONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who contracts with an owner to improve real property or perform construction services for an owner.

(2) **IMPROVE.** To build, effect, alter, repair, or demolish any improvements upon, connected with, or on, or beneath the surface of any real property; to excavate, clear, grade, fill, landscape any real property; to construct driveways and roadways; to furnish materials, including trees and shrubbery, for any of these purposes; or to perform any labor upon these improvements.

(3) **IMPROVEMENT.** All or any part of any building, structure, erection, alteration, demolition, excavation, clearing, grading, filling, or landscaping, including trees and shrubbery, driveways, and roadways on real property.

(4) **OWNER.** Any person, individual, firm, corporation, partnership, or other legal entity who has an interest in the real property improved and for whom an improvement is made, who either directly or by agent ordered the improvement to be made.

(5) **REAL PROPERTY.** The real estate that is improved, including lands, leaseholds, tenements, and improvements placed on the real property.

(6) **SUBCONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who has contracted to furnish labor or materials to, or has performed labor or supplied materials for a contractor in connection with a contract to improve real property.

(7) **SUB-SUBCONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who has contracted to furnish labor or materials to, or has performed labor or supplied materials for a subcontractor in connection with a contract to improve real property.

Section 2. Performance by a contractor, subcontractor, or sub-subcontractor in accordance with the provisions of his or her contract entitles them to payment from the party with whom they contract. All contracts between parties require a date of payment.

Section 3. (a) When a contractor has performed pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials, to the owner or owner's representative, the owner shall pay the contractor by mailing via first class mail or delivering the amount of the pay request or invoice within 30 days after receipt of the pay request or invoice.

(b) When a subcontractor has performed pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials to a contractor in sufficient time to allow the contractor to include the application, request, or invoice in his or her own pay request submitted to an owner, the contractor shall pay to his or her subcontractor within seven days of receipt of payment from owner by mailing via first class mail or delivering the amount received for the subcontractor's work and materials based on work completed or service provided under the contract.

(c) When a sub-subcontractor has performed labor or supplied materials for a subcontractor pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials to a subcontractor in sufficient time to allow the subcontractor to include the application, request, or invoice in his or her own pay request submitted to a contractor, the subcontractor shall pay to his or her sub-subcontractor within seven days of receipt of payment from contractor by mailing via first class mail or delivering the amount received for the sub-subcontractor's work and materials based on work completed or service provided under the contract.

(d) If the owner, contractor, or subcontractor does not make payment in compliance pursuant to this act, the owner, contractor, or subcontractor shall pay his or her contractor, subcontractor, or sub-subcontractor interest at the rate of one percent per month (12% per annum) on the unpaid balance due.

(e) A contractor who receives a payment under subsection (a) of this section or otherwise, from an owner in connection with a contract shall pay each of its subcontractors the portion of the owner's payment to the extent of that subcontractor's interest in the owner's payment. The payment shall include interest, if any, that is attributable to work performed or materials suitably stored by that subcontractor if payment for stored materials is provided for in the contract. The payment required by this subsection shall be made not later than the seventh day after the date the contractor receives the owner's payment.

(f) The percentage of retainage on payments by the contractor to

the subcontractor shall not exceed the percentage of retainage on payments made by the owner to the contractor. Any percentage of retainage on payments made by contractor to the subcontractor that exceeds the percentage of retainage on payments made by the owner to the contractor shall be subject to interest to be paid by the contractor to the subcontractor at the rate of one percent per month (12% per annum).

(g) The percentage of retainage on payments by the subcontractor to the sub-subcontractor shall not exceed the percentage of retainage on payments made by the contractor to the subcontractor. Retainage on payments made by the subcontractor to the sub-subcontractor that exceeds the percentage of retainage on payments made by the contractor to the subcontractor shall be subject to interest paid at the rate of one percent per month (12% per annum).

Section 4. (a) Nothing in this section shall prevent the owner, contractor, or subcontractor from withholding application and certification for payment for any of the following reasons if there is a bona fide dispute over one or more of the following:

(1) Unsatisfactory job progress.

(2) Defective construction not remedied.

(3) Disputed work.

(4) Third party claims filed or reasonable evidence that a claim will be filed.

(5) Failure of the contractor, subcontractor, or sub-subcontractor to make timely payments for labor, equipment, and materials.

(6) Property damage to owner, contractor, or subcontractor.

(7) Reasonable evidence that the contract, subcontract, or sub-subcontract cannot be completed for the unpaid balance of the contract or contract sum.

(b) In the event that there is a bona fide dispute over all or any portion of the amount due on a progress payment from the owner, contractor, or subcontractor then the owner, contractor, or subcontractor may withhold payment in an amount not to exceed 2 times the disputed amount.

(c) An owner is required to notify a contractor in writing within 15 days of receipt of any disputed request for payment. A contractor, sub-



contractor and sub-subcontractor is required to provide written notification within 5 days of disputed request for payment or notice of disputed request for payment.

Section 5. Payment and retainage terms may be altered by written prior agreement between parties only if the contractor or subcontractor is unable to provide a payment and performance bond from an acceptable surety licensed by the State of Alabama.

Section 6. (a) A contractor, subcontractor, or sub-subcontractor may file a civil action solely against the party contractually obligated for the payment of the amount claimed to recover the amount due plus the interest accrued in accordance with this act. If the court finds in the civil action that the owner, contractor, or subcontractor has not made payment in compliance with this act, the court shall award the interest specified in this act in addition to the amount due. The successful contractor, subcontractor, or sub-subcontractor pursuant to this section shall be entitled to recover solely against the party contractually obligated for the payment of the amount claimed reasonable attorneys' fees, court costs, and other reasonable expenses incurred in the civil action.

(b) No provision of this section regarding entitlement to interest, attorney fees, or court costs may be waived by agreement and any such term in any contract or agreement is void and unenforceable as against public policy except as stated in Section 5.

Section 7. This act does not apply to the following:

(1) Residential home builders.

(2) Improvements to real property intended for residential purposes which consist of 16 or fewer residential units.

(3) Contracts, subcontracts, or sub-subcontracts in the amount of ten thousand dollars (\$10,000) or less.

(4) Contracts with the State or local governments of the State of Alabama.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its

**7th Day**

passage and approval by the Governor, or upon its otherwise becoming a law. Existing contracts shall not be affected.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Butler, Clay, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -26

Nays:

- 0

And said Bill, SB 74, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, McClain, Mitchell, Mitchem, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Armistead, B.I.R., SB 276, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 276.** To revise the current child labor laws relating to em-

ployment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

was taken up.

On motion of Senator Armistead, the Rules were suspended and further consideration of the Bill, SB 276, was postponed subject to the call of the Chair.

### **BUDGET ISOLATION RESOLUTION**

Senator Waggoner, B.I.R., SB 331, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 331.** Exempting certain persons from state licensure, registration, and certification requirements who are in the state to render certain services for the Games of the Twenty-Sixth Olympiad and the Games of the Tenth Paralympiad to be held, in part, in Alabama in 1996; to provide for consent for certain medical services; and to provide for repeal of this act on December 31, 1996.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lip-

scomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -28

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Biddle, B.I.R., SB 317, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 317.** To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Clay, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, and Windom -24

Nays: - 0

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said

**7th Day**

Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 163.** To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

PAT LINDSEY,  
Chairperson.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**BUDGET ISOLATION RESOLUTION**

Senator Clay, B.I.R., SB 209, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Denton, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom

-26

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 209.** To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-

**7th Day**

12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

was taken up.

Senator Clay offered the following amendment to the Bill, SB 209, to-wit:

**AMENDMENT TO SB 209**

Amend SB 209 as follows:

On page 11, delete Section 2 on lines 12-13, and renumber the subsequent Section.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Butler, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -24

Nays:

- 0

And said Bill, SB 209, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**COMMITTEE REPORT FILED**

Pursuant to the provisions of Act 91-652, the report of the Permanent Joint Legislative Committee on Finances and Budgets was filed with the Secretary.

**BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., SB 292, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Barron, Butler, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 292.** To amend Sections 40-12-390, 40-12-391, and 40-12-392, Code of Alabama 1975, to require new motor vehicle dealers franchised in other states to be subject to the dealer licensing law and to provide a retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, and Windom -26

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Butler, B.I.R., SB 308, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Denton, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, and Windom -24

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 308.** Relating to Class 3 municipalities; providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 3 municipality which is organized pursuant to Chapter 43, Title 11 of the Code of Alabama 1975; establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien; and providing for the collection of the assessments and the enforcement of the lien.

was taken up.

On motion of Senator Butler, the Rules were suspended and further consideration of the Bill, SB 308, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 319, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 319.** To amend Section 36-27-26, Code of Alabama 1975,



**7th Day**

relating to proposed legislation affecting the State Employees' Retirement System, to include legislation affecting the Judicial Retirement System.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., SB 70, offered.

Senator Denton moved that the Rules be suspended and further consideration of the B.I.R., be postponed temporarily.

On motion of Senator Bailey, said motion to postpone was laid on the table.

Yeas 16 Nays 11

Yeas:

Senators:

Adams, Armistead, Bailey, Dial, Escott-Russell, Figures, Ghee, Hill, Little, McClain, Mitchell, Mitchem, Poole, Sanders, Steele, and Windom -16

Nays:

Senators:

Bedford, Butler, Clay, Denton, Hale, Langford, Lindsey, Myers, Roberts, Smitherman, and Waggoner -11

Senator Bailey, B.I.R., SB 70, adopted.

Yeas 17 Nays 7

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Dial, Figures, Ghee, Hale, Hill, Little,

Mitchell, Mitchem, Myers, Roberts, Sanders, Waggoner, and Windom-17

Nays:

Senators:

Bedford, Clay, Lindsey, McClain, Poole, Smitherman, and Steele - 7

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 70.** To amend Section 16-5-4 of the Code of Alabama of 1975, relating to the appointment, confirmation, and reconfirmation process of the Executive Director of the Alabama Commission on Higher Education, to delete the requirement that the executive director be reconfirmed every four years by the Alabama Senate.

was taken up.

Senator Bailey offered the following substitute for the Bill, SB 70, to-wit:

### **SUBSTITUTE FOR SB 70**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Section 16-5-4 of the Code of Alabama of 1975, relating to the appointment, confirmation, and reconfirmation process of the Executive Director of the Alabama Commission on Higher Education, to delete the requirement that the executive director be reconfirmed every four years by the Alabama Senate; and to provide for an effective date.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 49    SJR 53    SJR 54    SJR 55    SJR 42    SJR 46

Delivered to the Governor on May 16, 1995, at 3:30 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 5:05 P.M., on motion of Senator Dial, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, SB 70, the Senate adjourned until Wednesday, May 17, 1995, at 9 o'clock A.M.

## **EIGHTH LEGISLATIVE DAY**

**WEDNESDAY, MAY 17, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend David Morrow, Interim Pastor, First Congregational Christian Church, (United Church of Christ), Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Will Rue, Trinity Presbyterian School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

Yeas 18 Nays 6

Yeas:

Senators:

Adams, Bailey, Barron, Clay, Dial, Escott-Russell, Hill, Langford, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -18

Nays:

Senators:

Denton, Freeman, Hale, Lindsey, Little, and Myers - 6

**RECESS**

At 9:12 A.M., on motion of Senator Mitchell, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

**H. 233.** To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Trans-

**8th Day**

portation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 233 - to the Committee on Finance and Taxation General Fund

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Warren:

**H. 48.** To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 48 - to the Committee on Commerce, Transportation, and Utilities

**REPORTS OF COMMITTEES**

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

**S. 96.** Regulating the discharge of sewage and litter from cer-

tain vessels and boats; specifying that the Department of Environmental Management is the responsible agency; regulating sanitation facilities at marinas; levying certain fees and providing for distributions; establishing a Boat and Marina Advisory Committee and a Boat and Marina Fund, and specifying their functions; providing certain civil immunity to members of the advisory committee; authorizing the filing of certain civil actions and specifying certain criminal penalties and certain fines; repealing certain conflicting laws; and specifying a prospective effective date.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Little, Mitchell, and Waggoner (With Substitute):

**S. 272.** To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Biddle:

**S. 418.** To prohibit hunting or attempting to hunt by an individual who has had any hunting license privilege revoked; and to provide penalties for the violations.

By Senator Biddle:

**S. 419.** To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

By Senator Freeman:

**S. 350.** To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act; and to prescribe fines for certain violations of the act.



Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

**S. 420.** To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

Senator Roberts, Chairperson of the Standing Committee on Industrial Development and Recruitment, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Roberts, Dial, Butler, Mitchem, Lindsey, Adams, Freeman, Davidson, Biddle, Hale, McClain, Bedford, Armistead, and Little  
(With Substitute):

**S. 347.** To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the sum of the capital credits authorized by this act and certain other tax and other incentives offered by the state and certain local entities shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16,

1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that the provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for those new projects.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education Fund, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Boyd (With Amendment):

**H. 293.** To name the primary education fund of the state the "Education Fund" and to provide for a prospective effective date.

### REPORT FROM CONFIRMATIONS

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Hoyt Adair to the Alabama State Farmers' Market Authority Board

On motion of Senator Roberts, the appointment of Mr. Adair was confirmed by the Senate.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-27

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John Morris to the Alabama State Farmers' Market Authority Board

On motion of Senator Biddle, the appointment of Mr. Morris was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Mike Reeves to the Alabama State Farmers' Market Authority Board

On motion of Senator Roberts, the appointment of Mr. Reeves was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

**8th Day****Appointment of Mr. Leslie Hatchett to the Alabama State Farmers' Market Authority Board**

On motion of Senator Windom, the appointment of Mr. Hatchett was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Clay, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

**Appointment of Mr. W. S. Phillips to the Alabama State Farmers' Market Authority Board**

On motion of Senator Mitchem, the appointment of Mr. Phillips was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Armistead, Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

**Appointment of Mr. David Pearce to the Alabama State Farmers' Market Authority Board**

On motion of Senator Mitchem, the appointment of Mr. Pearce was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

### NOTICE IN WRITING

Senator Clay offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Amend Senate Rule 2 by deleting the rule in its entirety and inserting in lieu thereof the following:

“RULE 2. Unless it is otherwise specifically provided for by resolution or motion, the Senate shall meet at 10 a.m., except on the first meeting day of the week, when the Senate shall convene at 2 p.m.; however, the Senate shall meet at twelve o’clock noon on the first day of any organizational, special, or regular session.”

Which was read and ordered filed with the Secretary.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Windom (With Notice and Proof):

**S. 451.** Relating to Mobile County; amending Act No. 90-697, H. 991, 1990 Regular Session, which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

Committee on Local  
Legislation No. 3

**8th Day**

I hereby certify that the notice and proof is attached to the Bill, SB 451, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smitherman:

**S. 452.** To amend Section 12-17-270, Code of Alabama 1975, relating to the appointment of court reporters; to authorize the appointment of official court reporters by the presiding judge of the civil division in judicial circuits which have 20 or more circuit judges for a judge assigned exclusively to try domestic relation cases; to provide for compensation; and to define the duties of the court reporters.

Committee on Judiciary

By Senator Denton:

**S. 453.** To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-7, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

Committee on Fiscal Responsibility  
and Accountability

By Senators Barron, Dial, Hale, Armistead, and Waggoner:

**S. 454.** To amend Section 15-22-36 of the Code of Alabama 1975, relating to the granting of pardons and paroles; to provide that a pardon may be granted with the written approval of the Governor.

Committee on Judiciary

By Senators Barron, Bailey, Amari, and Steele:

**S. 455.** To amend Section 34-27-4 of the Code of Alabama 1975, to provide for the transfer of funds from the Real Estate Commission Proportionate Fund to the Real Estate Research and Education Center; to amend Section 34-27-35 of the Code of Alabama 1975, to provide for a research and education fee on each licensee; and to amend Section 34-27-31 of the Code of Alabama 1975, to allow the Real Estate Commission to transfer real estate recovery funds under certain conditions to the Real Estate Research and Education Center.

Committee on Finance and  
Taxation General Fund

By Senator Mitchem:

**S. 456.** To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

Committee on Finance  
and Taxation Education

## RESOLUTIONS

Senator Dixon offered the following Senate Joint Resolution, to-wit:

**SJR 66.** COMMENDING THE MONTGOMERY ACADEMY FORENSICS TEAM FOR OUTSTANDING ORATORY.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes the Montgomery Academy Forensics Team as the 1995 State Champions; and

WHEREAS, since its inception in 1991, the members of the Montgomery Academy Forensics Team have worked tirelessly; traveling, researching, and competing, and on April 7-8, attended the state tournament at Mountain Brook High School where their eloquent efforts earned this sweet victory; and

WHEREAS, under the leadership of Coach James W. Rye, III, and his able assistants, David B. Ball and Troy Fisher, the Montgomery Acad-

**8th Day**

emy Forensics Team practiced daily those crucial elements of forensic competition, including mock debate, dramatic interpretations, humorous interpretations, and after dinner speeches; and the Academy team, which placed fourth in the state finals in the past three years, converted this dedication into a state championship title by defeating the reigning champion and the holder of 7 of the last 8 state titles; and

WHEREAS, in honor of this exceptional endeavor of elocution, the Forensics Team was honored at a celebration banquet on May 2, 1995, during which Mayor Emory Folmar presented a proclamation and gave the team a key to the city; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend paramount praise and warmest congratulations to the Montgomery Academy Forensics Team, the 1995 State Champions, and do furthermore direct that a copy of this resolution be presented to Coach James W. Rye, III, for appropriate display at Montgomery Academy.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 67. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bill shall be the paramount and continuing order of business upon reaching bills on third reading for the Eighth legislative day of the 1995 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

**S. 307**

Optometry, practice of regulated, dispensing of drugs, auth.  
Secs. 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, 34-22-43 am'd.

Page  
19

Senator Denton offered the following substitute for the Resolution, SR 67, to-wit:

**SUBSTITUTE FOR SR 67**

**SR 67. SPECIAL ORDER CALENDAR.**

On motion of Senator Lindsey, said substitute was laid on the table.

Yeas 23 Nays 8



**8th Day**

Yeas:

Senators:

Adams, Amari, Bedford, Biddle, Clay, Davidson, Dial, Escott-Russell, Figures, Ghee, Hill, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -23

Nays:

Senators:

Bailey, Denton, Dixon, Freeman, Hale, Langford, Little, and Myers - 8

And on motion of Senator Lindsey, the Resolution, SR 67, was adopted.

Yeas 15 Nays 13

Yeas:

Senators:

Bedford, Biddle, Clay, Davidson, Dial, Ghee, Lindsey, McClain, Mitchell, Mitchem, Poole, Sanders, Smitherman, Steele, and Waggoner -15

Nays:

Senators:

Bailey, Butler, Denton, Dixon, Escott-Russell, Freeman, Hale, Hill, Langford, Little, Myers, Smith, and Windom -13

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 74.** To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 209.** To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-

**8th Day**

12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

PAT LINDSEY,  
Chairperson.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 58.** COMMENDING BROOKHILL ELEMENTARY SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 59.** COMMENDING CLARENCE H. MCDANIEL OF THE ATHENS-LIMESTONE COUNTY COMMUNITY AS CITIZEN OF THE YEAR.

Also:

**SJR 60.** COMMENDING MIKE BENNETT OF ATHENS, ALABAMA, AS BUSINESS PERSON OF THE YEAR.

Also:

**SJR 64.** COMMENDING COACH DOUG BARFIELD ON THE OCCASION OF HIS RETIREMENT.

GREG PAPPAS,  
Clerk.

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell, B.I.R., SB 20, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedford, Biddle, Butler, Clay, Davidson, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays:

- 0

### **BILLS ON THIRD READING**

THE BILL:

**S. 20.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Escott-Russell, Figures, Freeman, Ghee, Hale, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, and Waggoner -23

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Langford, B.I.R., SB 321, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Clay, Davidson, Dixon, Escott-Russell, Figures, Freeman, Langford, Little, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, and Waggoner -19

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 321.** Relating to Montgomery County; providing further for the compensation of all election officials.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hill, Langford, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, and Waggoner -24

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 142.** RELATIVE TO MEETING DAYS.

GREG PAPPAS,  
Clerk.

### SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 223.** To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

Also:

**H. 224.** Relating to Lawrence County; providing for the estab-

lishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 325.** Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter

**8th Day**

20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., HB 410, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, and Waggoner

-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 410.** Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bedford, Biddle, Butler, Clay, Davidson, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Little, McClain, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, and Waggoner -21

Nays:

- 0

Senator Bedford moved that the Senate reconsider the vote by which the Bill, HB 410, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., HB 411, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bedford, Biddle, Clay, Davidson, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smitherman, and Waggoner -21

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 411.** Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

was read a third time at length and passed.

Yeas 22 Nays 0

**8th Day**

Yeas:

Senators:

Bailey, Barron, Bedford, Butler, Davidson, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, and Waggoner -22

Nays:

- 0

Senator Bedford moved that the Senate reconsider the vote by which the Bill, HB 411, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., HB 221, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Bedford, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Waggoner -24

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 221.** Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Butler, Clay, Davidson, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -21

Nays:

- 0



**BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., HB 222, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Davidson, Dial, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Little, McClain, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -23

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 222.** Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

was taken up.

**MOTION TO ADJOURN LOST**

At 3:40 P.M., Senator Freeman moved that the Senate adjourn until Thursday, May 18, 1995, which motion was lost.

Yeas 5 Nays 25

Yeas:

Senators:

Butler, Clay, Freeman, Hale, and Little - 5

Nays:

Senators:

Adams, Barron, Bedford, Biddle, Davidson, Dial, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

**FURTHER CONSIDERATION OF HB 222**

The Senate proceeded to further consideration of the Bill, HB 222.

And said Bill, was read a third time at length and passed.

Yeas 25 Nays 0

**8th Day**

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Clay, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Smitherman requested and received permission to suspend the Rules in order to bring up the Bill, SB 416.

Senator Smitherman, B.I.R., SB 416, adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Clay, Escott-Russell, Figures, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Sanders, Smith, Smitherman, Steele, and Windom

-21

Nay: Senator Lipscomb

- 1

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 416.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the city.

was taken up.

Senators Smitherman and McClain offered the following substitute for the Bill, SB 416, to-wit:

**SUBSTITUTE FOR SB 416**

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama of 1901,

authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the city in Jefferson County.

On motion of Senator Smitherman, further consideration of the Bill, SB 416, and pending substitute, was postponed temporarily.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 410.** Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

Also:

**H. 411.** Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

Also:

**H. 221.** Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 70.** To amend Section 16-5-4 of the Code of Alabama of

**8th Day**

1975, relating to the appointment, confirmation, and reconfirmation process of the Executive Director of the Alabama Commission on Higher Education, to delete the requirement that the executive director be reconfirmed every four years by the Alabama Senate.

and pending Bailey substitute, which said substitute was offered on the Seventh Legislative Day.

On motion of Senator Bedford, further consideration of the Bill, SB 70, and pending substitute, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Biddle, B.I.R., SB 307, adopted.

Yeas 22 Nays 4

Yeas:

Senators:

Armistead, Barron, Bedford, Biddle, Clay, Davidson, Dial, Escott-Russell, Figures, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smitherman, Steele, and Windom -22

Nays:

Senators:

Bailey, Butler, Freeman, and Hale

- 4

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

**S. 307.** To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

Senator Biddle offered the following amendment to the Bill, SB 307, to-wit:

**AMENDMENT TO SB 307**

Amend SB 307, Page 6 strike Lines 5-8 insert the following:

“Optometrists are prohibited from performing injections into the eyeball, cataract, muscle surgery, retinal surgery, radial keratotomy or any surgical procedure requiring other than a topical anesthetic.”

Senator Hale moved that further consideration of the Bill, SB 307, and pending amendment, be postponed temporarily, which motion was lost.

Yeas 7 Nays 22

Yeas:

Senators:

Bailey, Butler, Freeman, Hale, Langford, Little, and Smith - 7

Nays:

Senators:

Adams, Armistead, Barron, Biddle, Clay, Davidson, Dial, Escott-Russell, Figures, Ghee, Hill, Lindsey, Lipscomb, McClain, Mitchell, Myers, Poole, Sanders, Smitherman, Steele, Waggoner, and Windom -22

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 58.** COMMENDING BROOKHILL ELEMENTARY SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 59.** COMMENDING CLARENCE H. MCDANIEL OF THE ATHENS-LIMESTONE COUNTY COMMUNITY AS CITIZEN OF THE YEAR.

Also:

**SJR 60.** COMMENDING MIKE BENNETT OF ATHENS, ALABAMA, AS BUSINESS PERSON OF THE YEAR.

Also:

**SJR 64.** COMMENDING COACH DOUG BARFIELD ON THE OCCASION OF HIS RETIREMENT.

PAT LINDSEY,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 222.** Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF SB 307**

The Senate proceeded to further consideration of the Bill, SB 307. The question was on the Biddle amendment.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Sen-

REGULAR SESSION  
**8th Day**

481

ate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 163

Delivered to the Governor on May 17, 1995, at 2:30 P.M.

SJR 58     SJR 59     SJR 60     SJR 64

Delivered to the Governor on May 17, 1995, at 4:15 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**QUORUM CALL REQUESTED**

At 5:55 P.M., Senator Butler requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Adams, Armistead, Bedford, Biddle, Davidson, Figures, Lindsey, Lipscomb, Poole, Smith, and Windom

-11

**ADJOURNMENT**

At 5:58 P.M., in the absence of a quorum, the President and Presiding Officer of the Senate declared the Senate adjourned, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, SB 307, the Senate adjourned until Thursday, May 18, 1995, at 9 o'clock A.M.

**NINTH LEGISLATIVE DAY**  
**THURSDAY, MAY 18, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

**PRAYER**

The Session was opened with prayer by Senator Roy Smith, Tenth Senatorial District.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kimmi Lipscomb, Drake Middle School, Auburn, Alabama.

**ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.



**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**RECESS**

At 9:30 A.M., Senator Denton moved that the Senate take a recess until 10:30 A.M.

Senator Mitchell offered a substitute motion that the Senate take a recess subject to the call of the Chair, which motion was adopted.

Yeas 23 Nays 6

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Clay, Davidson, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Little, McClain, Mitchell, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -23

Nays:

Senators:

Armistead, Butler, Denton, Dial, Freeman, and Hale - 6

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Figures:

**S. 457.** Reopening the Employees' Retirement System to allow certain members of the system an opportunity to purchase credit in the system for certain prior service rendered in the office of a local district attorney or as a court reporter, or for both.

Committee on Fiscal Responsibility  
and Accountability

By Senator Bedford:

**S. 458.** To amend Section 36-20-30, Code of Alabama 1975,

to provide for a uniform increase in the notaries public filing fee charged by the judges of probate; to provide for a portion of that fee to be forwarded to the Office of the Secretary of State in order to offset costs associated with this section; and to provide for the creation of the State Notary Public Filing Fee Fund.

Committee on Governmental Affairs

By Senator Dial:

**S. 459.** To amend Section 12-18-6, 12-18-55, and 12-18-84, Code of Alabama 1975; to provide that justices of the supreme court, judges of the court of appeals, circuit court judges, district court judges, and probate judges may retire with not less than 24 years of service; and to provide an effective date.

Committee on Fiscal Responsibility  
and Accountability

By Senator Little:

**S. 460.** To amend Section 36-22-63, Code of Alabama 1975, to provide further for purchase of prior service credit in the supernumerary program for sheriffs.

Committee on Fiscal Responsibility  
and Accountability

By Senator Bailey:

**S. 461.** Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

Committee on Judiciary

### **UNFINISHED BUSINESS BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 307.** To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-

8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

The question was on the Biddle amendment, which said amendment is set out in the Journal of the Senate for the Eighth Legislative Day.

On motion of Senator Figures, said amendment was laid on the table.

Senator Figures then offered the following substitute for the Bill, SB 307, to-wit:

**SUBSTITUTE FOR SB 307**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975, are amended to read as follows:

“§34-22-1.

For the purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

~~“(1) PRACTICE OF OPTOMETRY. Any of the following:~~

~~“a. Any examination of the human eyes and visual system for the purpose of:~~

~~“1. Ascertaining any departure from the normal;~~

~~"2. Ascertaining the status of the human visual system, including the refractive and functional abilities thereof; or~~

~~"3. Ascertaining the presence of ocular disease or ocular manifestations of systemic disease and any other departure from the normal which may require referral to other health care practitioners.~~

~~"b. The diagnosis and treatment of the refractive and functional ability of the visual system for the purpose of the prevention, rehabilitation, correction and relief of anomalies of the visual system or visually related symptoms or disabilities or the enhancement of visual performance in accordance with accepted teaching by means of any or all of the following:~~

~~"1. The prescribing and employment of ophthalmic lenses, prisms, frames, ophthalmic aids and prosthetic materials;~~

~~"2. The prescribing and employment of contact lenses;~~

~~"3. Administering visual training, orthoptics and pleoptics; and~~

~~"4. Providing advice regarding environmental factors which influence visual performance, safety and comfort.~~

~~"Nothing in this section shall be construed so as to permit the administering of drugs in any form or prescribing of drugs for the medical treatment of eye diseases or the performing of surgery of any nature for any purpose.~~

~~"Nothing in this section shall be construed so as to prevent the use and prescribing of the softens or hydrophilic contact lenses and the solutions commonly used in the prescribing and fitting of contact lenses.~~

~~"Nothing in the chapter shall be construed as repealing or affecting the provisions of section 38-1-2.~~

~~"(2) BOARD. The Alabama board of optometry.~~

~~"(1) BOARD. The Alabama Board of Optometry.~~

~~"(2) HUMAN EYE AND ITS ADJACENT STRUCTURES. The eye and all structures situated within the orbit, including the conjunctiva, lids, lashes, and lachrymal system.~~

~~"(3) PHARMACEUTICAL AGENTS. Any diagnostic and therapeutic drug or combination of drugs that has the property of assisting in the~~

diagnosis, prevention, treatment, or mitigation of abnormal conditions or symptoms of the human eye and its adjacent structures, except steroids.

“(4) PRACTICE OF OPTOMETRY. The practice of optometry is a learned profession involving the examination, measurement by objective and subjective means, diagnosis, treatment, and prevention of any departure from the normal of the human eyes, their adjacent structures, and visual system. The practice of optometry includes but is not limited to: The adapting and fitting of all types of lenses or devices, including, contact lenses; the determination of refractive error and shape of the eye and visual, muscular, or anatomical anomalies of the eye through the use of any means including the use of any self testing devices and the use of any computerized or automatic refracting device; the determination and prescribing of spectacle or contact lens parameters; the administering and prescription of pharmaceutical agents rational to the diagnosis and treatment of disease of the human eye and its adjacent structures, except steroids; the removal of superficial foreign bodies from the human eye and its adjacent structures; the providing of developmental and perceptual therapy for the vision system; the utilization of any method or means to diagnose and treat diseases of the human eye and its adjacent structures as determined and approved by the board, subject to the limitations of this act; the performance of primary eye care procedures or ordering of laboratory tests rational to the diagnosis and treatment of conditions or disease of the human eye and its adjacent structures as determined and approved by the board, subject to the limitations of this act. The practice of optometry shall include the prescribing and administering of narcotic analgesics pursuant to the Alabama Uniform Controlled Substances Act, except for narcotic analgesics classified under Schedule I and II, and any Schedule III pharmaceutical agents that contain Dihydrocodeinone, (“Hydrocodone”). The prescribing or administering of any other Schedule III pharmaceutical agent shall be limited to a prescription, the duration of which does not exceed 96 hours. Optometrists are prohibited from performing injections into the eyeball, cataract surgery, muscle surgery, retinal surgery, radial keratotomy, laser surgery, cryosurgery, or any other invasive surgery. The Alabama Board of Optometry shall be a certifying board as defined in Section 20-2-2, except as limited by this act. The practice of optometry shall include the authority to administer benedryl, epinephrine, or other medication to counteract anaphylaxis or anaphylactic reaction. The use and prescribing of pharmaceutical agents for the treatment of the human eye and its adjacent structures shall be limited to those optometrists approved by the board.

“§34-22-4.

“(a) It is not the intent of this chapter to prevent any school teacher, welfare worker, state, county, municipality, or other public board, body,

agency, institution, or official from determining in the course of their official duties the probable need of visual services; provided, that the aforenamed person or agency does not attempt to examine, diagnose, prescribe, or recommend any particular practitioner and complies with the provisions of Section 38-1-2.

“(b) A license to practice optometry shall not be required for the sale, preparation, or dispensing of eyeglasses or spectacles in a retail optical dispensary or from a store, shop, or other permanently established place of business with an optical department on prescription of a duly licensed physician skilled in diseases of the eyes or a duly licensed optometrist authorized to practice under the laws of this state. Contact lenses may be sold or dispensed in a retail optical dispensary or other permanently established place of business with an optical department only when authorized by an optometrist or ophthalmologist, the prescription therefor contains all necessary data, and the prescription has not expired. This section shall not be construed as authorizing any optician or other person selling eyeglasses or contact lenses on prescription as authorized above to use any instrumentation or determine any data by performing any type of examination or corneal evaluation necessary for the fitting of contact lenses or to use any drugs in relation thereto.

“(c) Nothing in this chapter shall apply in any way to any licensed physician, nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program, nor to any physician’s assistant as defined in Section 34-24-292. Nothing in this chapter shall be construed as preventing an ophthalmologist from using assistants normally used in his or her practice under his or her direct personal supervision in the office in which the ophthalmologist normally actually practices his or her profession and nowhere else.

“§34-22-6.

“(a) It shall be unlawful for any person to perform any of the following:

“(1) Practice optometry in this state without having ~~at the time of so doing~~ a valid, unrevoked, and unexpired license certificate and annual renewal registration certificate as an optometrist;.

“(2) Use or attempt to use as his or her own a diploma of an optometric school or college or a license of another person, or a forged diploma or license, or any forged or false identification;.

“(3) Sell or offer to sell a diploma conferring an optometric degree

or a license granted pursuant to this chapter or prior optometric practice laws, or to procure each diploma or license with intent that it shall be used as evidence of the right to practice optometry by a person other than the one upon whom it was conferred or to whom ~~such the~~ license was granted, or with fraudulent intent to alter ~~such the~~ diploma or license or to use or attempt to use it when it is so altered; ~~or,~~

“(4) Willfully make any false statements ~~in material regard~~ in an application for examination for a certificate to practice optometry or for annual renewal registration.

“(5) Use or attempt to use pharmaceutical agents for the treatment of the human eye and its adjacent structures without having approval of the board at the time the treatment is rendered.

“(b) (1) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction ~~thereof~~, shall be punished by a fine of not more than ~~\$1000.00~~ one thousand dollars (\$1,000) and, in addition ~~thereto~~, may be imprisoned in the county jail for a period not to exceed 12 months and shall be subject to having his or her license revoked or suspended as provided in this chapter.

~~“(c) (2) The board and its members and officers shall assist prosecuting officers in the enforcement of this chapter, and it shall be the duty of the board, its members, and officers, to furnish the proper prosecuting officers with such the evidence as it or they may ascertain necessary to assist them in the prosecution of any violation of this chapter, and the. The board is authorized, may for such these purposes, to make such reasonable expenditures from the funds of the board as it may deem necessary to ascertain and furnish such the evidence.~~

“(3) In addition to criminal penalties, any person violating this Section may be fined up to one thousand dollars (\$1000) by the board for each violation. The board may sue, if necessary, to collect the fine.

“(4) The board is entitled to costs and reasonable attorney fees in any civil action in which it prevails.

“(5) Venue for any action brought by the board pursuant to this act is the Circuit Court of Montgomery County.

“§34-22-8.

“(a) Any person, including a licensed optometrist (but not the board or members thereof) may initiate a charge of violation of the provisions of

this chapter or ~~other a charge of~~ misconduct by a licensed optometrist by filing with the secretary of the board a written statement under oath of ~~a the~~ charge or charges against the accused. If a member of the board files a charge, the member shall not participate in the hearing or disposition of the charge, except to the extent of giving testimony in connection with the charge. The member filing the charge shall not be present during the hearing or deliberation of the charge except to give testimony. A discrete preliminary investigation into ~~such the~~ charge or charges shall be made by the board, after which, if the board is reasonably satisfied that ~~such the~~ charge or charges are not frivolous, the board shall hear ~~and determine said the~~ charge or charges under rules of procedure to be established by the board. A quorum of the board ~~must shall~~ be present at all times during the hearing and deliberation and action thereon. A time and place, (either within the city of Montgomery, Alabama or the county in which the accused resides) for the hearing of ~~said the~~ charge or charges shall be fixed by the board as soon as convenient, ~~and a~~. A copy of ~~said the~~ charge or charges, together with a written notice of the time and place ~~when the same will be heard and determined of the hearing,~~ and a copy of the rules of procedure adopted by the board for ~~such the~~ hearing shall be served on the accused at least 20 days before the date fixed for ~~said the~~ hearing ~~upon the accused or licensee,~~ by leaving a copy thereof at his or her last and usual place of residence, by personal service upon the accused, ~~or licensee~~ or by forwarding ~~the same a~~ copy to the accused ~~or licensee~~ via United States registered mail, with a return receipt requested, addressed to him or her at his or her last known mailing address, if a resident of the state of Alabama. If the accused ~~or licensee shall is~~ not be a resident of Alabama or ~~shall have has~~ departed from the state of Alabama, then notice of the time and place of ~~such the~~ hearing shall be published in a newspaper of general circulation in the county where ~~said the accused licensee shall have been last known to reside one time is last known to have resided,~~ three weeks prior to ~~said the~~ hearing, setting out the time and place of ~~such the~~ hearing. At least five days before the time of the hearing, the accused shall file with the secretary of the board ~~his an~~ answer to the written charges ~~theretofore served upon him~~ together with a list of witnesses which the accused desires to be subpoenaed for the hearing. At ~~such the~~ hearing, witnesses may be examined respecting ~~said the~~ charge or charges. The board or the accused, or both, ~~shall have the power to may~~ require the attendance of witnesses, the production of books, records, and papers pertinent to the issues; and, ~~for that purpose,~~ either or both may require the secretary of the board to issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records, papers, or documents, which shall be directed to the sheriff of the county where ~~such the~~ witness resides or is to be found, ~~which.~~ The subpoena shall be served and returned in the same manner as subpoenas in civil cases in the circuit court are served and returned. If any person is subpoenaed to appear before ~~said the~~ board and fails to obey ~~said the~~ subpoena



without reasonable cause, or if any witness upon any hearing before the board ~~shall refuse~~ refuses to be sworn, or to be examined, or to produce a book, record, paper, or document, as ordered by the board, such this fact shall be certified by the board to the circuit court or the judge thereof in the county where such the witness resides, and ~~he~~ the witness shall be ordered and directed by such the court to appear before ~~said the~~ board and testify or produce such books, papers, records, or documents as are ordered by the board. At ~~said the~~ hearing, the accused ~~shall have the right to~~ may cross-examine the witnesses against him or her, to produce witnesses in his or her defense, ~~and to~~ appear personally ~~and/or~~ or by counsel, or both, and ~~to~~ have the testimony taken down by a stenographer, but the expense of counsel and stenographer shall be borne by the accused ~~licensee~~. A majority of the quorum of members of the board conducting the hearings shall render a decision on the merits of the charge or charges and, if warranted by the evidence, impose appropriate sanctions.

“(b) In all cases of suspension or revocation of licenses or of other disciplinary sanctions imposed by the board ~~as herein provided for~~, the accused ~~licensee~~ may appeal only to the Circuit Court of Montgomery county, Alabama, not withstanding any other provision of law to the contrary. Except as ~~may~~ otherwise ~~be~~ provided herein ~~to the contrary~~, judicial review of the orders and decisions of the board shall be governed by the provisions of ~~section 41-22-20~~ ( Sections 41-22-1 to 41-22-27, inclusive, the Alabama Administrative Procedure Act).

“(c) Members of the ~~Alabama Board of Optometry~~ board, and the members of any committee of optometrists impaneled by the board, and any other optometrist and individual making any report or rendering any opinion, or service, or supplying any evidence or information or offering any testimony to the board in connection with a disciplinary investigation or proceeding as authorized in this chapter shall be immune from suit for any conduct with respect to such the investigations, actions, hearings, and proceedings.

“§34-22-20.

“(a) Every person desiring to ~~commence the~~ practice of optometry in this state shall be 19 years of age, or over, ~~be~~ a citizen of the United States, and of good moral character. The person shall have a preliminary education of at least four years of high school or the equivalent and be a graduate thereof, have a minimum of three years of preoptometry, or the equivalent ~~thereof~~, at an accredited college or university, have completed a course of study in an accredited school or college of optometry which is approved by the board and that requires at least four years of professional study, and have passed all examinations prescribed by the board, and, after

~~the completion of the education, pass~~ including the standard examination ~~prescribed by the board after completion of the educational requirements.~~ The standard examination shall consist of tests in practical, theoretical, and physiological optics, in theoretical and practical optometry, orthoptics, ocular anatomy, physiology, pharmacology, pathology, diagnosis and treatment of disease of the human eye and its adjacent structures, general anatomy, hygiene, and any other knowledge the board deems essential to the practice of optometry. The standard examination shall be consistent with the established teaching and recognized textbooks of accredited schools or colleges of optometry.

“(b) The application to take the standard examination shall be upon the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by a fee to be determined by the board. The fee shall not be more than ~~\$250~~ five hundred dollars (\$500).

“(c) The standard examination shall be held at least once in each year if there are any candidates for examination who have applied to the board ~~for examination~~ at least 30 days before the date ~~affixed~~ prescribed for the holding of the examination.

“(d) When the application and accompanying proof are found satisfactory, the board shall notify the applicants to appear ~~before it~~ for examination at a time and place fixed by the board. ~~Those found qualified by the board shall be granted a license and a license certificate, which shall bear a serial number, the full name of the licensee, the date of issuance, and the seal of the board, and shall be signed by the president and secretary of the board.~~ Upon passing the standard examination, the applicant shall submit to the board proof that he or she has passed all additional examinations required by the board. The applicant shall also submit any protocols for the use of pharmaceutical agents that the board may require. When these requirements have been met by the applicant and approved by the board, the board shall grant to qualified applicants a license and a license certificate, both of which shall bear a serial number, the full name of the licensee, the date of issuance, the seal of the board, and the signature of the president and secretary of the board. A seal of approval by the board of the use of pharmaceutical agents for the treatment of the human eye and any of its adjacent structures shall be affixed to the license certificate. The board may grant a temporary license under the circumstances and conditions, and in the form, as may be prescribed by rules and regulations of the board.

“(e) Every license issued, whether permanent or temporary, ~~issued~~ and every annual registration certificate shall be in the possession of the optometrist to whom it was issued and posted in the office where he or she practices.

“(f) Those persons who hold valid licenses to practice optometry in the State of Alabama on ~~October 10, 1975~~, October 1, 1994, shall continue to be so licensed after ~~October 10, 1975~~, October 1, 1994, subject to this chapter, regardless of whether they are otherwise qualified to secure a license under this chapter. Optometrists licensed under this section may apply to the board, in a manner prescribed by the board for approval to use pharmaceutical agents for the treatment of disease of the human eye and its adjacent structures. The board shall prescribe requirements to be met by applicants prior to approval by the board, including but not limited to, the requirement that the applicant has successfully completed at least 72 clock hours in the diagnosis and management of disease of the human eye and its adjacent structures within a three-year period preceding application for a license.

“§34-22-21.

“Any person who has successfully passed a standard examination in optometry in any state of the United States or all parts of the examination given by the national board of examiners in optometry and is the holder of a certificate to that effect, issued by the board of ~~such that~~ state, or by ~~said the~~ national board, and who has a current license to practice optometry in any state in the United States, and has conducted an ethical professional practice of optometry for at least one year, may, at the discretion of the board, and upon the payment of the amount of the regular examination fee, take the standard examination ~~provided in this chapter~~, and upon passing ~~said the~~ examination be registered as qualified to practice optometry in this state. Optometrists licensed under this act may apply to the board for approval to use pharmaceutical agents for the treatment of disease of the human eye and its adjacent structures. The board shall prescribe rules and regulations setting forth the manner in which the application shall be made and approval shall be given. Licensed pharmacists of this state shall fill those prescriptions as are ordered by licensed optometrists approved by the board to use pharmaceutical agents.

“§34-22-22.

“(a) All registered optometrists ~~now or hereafter~~ licensed in the state of Alabama are ~~and shall be~~ required to take annual courses of study in subjects relating to the practice ~~of the profession~~ of optometry. The length of study shall be prescribed by the board but shall not exceed 25 clock hours in any calendar year. Licensees approved by the board to use pharmaceutical agents shall be required to take not less than 20 nor more than 25 hours of continuing education, half of which shall be in subjects relating to the diagnosis, treatment, and management of disease of the human eye and its adjacent structures. Continuing education courses shall not be graded.

## 9th Day

Attendance ~~must~~ shall be at a course or courses approved by the board. Attendance at any course or courses of study ~~is to~~ shall be certified to the board upon a form provided by the board and shall be submitted by each registered optometrist at the time he or she makes application to the board for the renewal of license and ~~payment of his~~ pays the renewal fee.

“(b) Continuing education requirements shall be completed between October 1 and September 30 of each fiscal year prior to the time for license renewal for the next fiscal year. Upon the failure of any licensee to certify compliance with continuing education requirements for ~~said the~~ the fiscal year on or before the first day of November, the board shall notify ~~such the~~ the licensee by registered mail addressed to his or her last address of record that ~~his~~ the certification has not been received and ~~that unless such~~ unless the certification is received on or before the first day of January, his or her license and license certificate shall be automatically suspended. If the certification demonstrating compliance with continuing education requirements is not received by the board on or before January 1, the ~~licensee's~~ licensee's license and license certificate of the licensee which was previously granted shall automatically be suspended. ~~Provided that between~~ Notwithstanding the foregoing, between October 1 and December 31 of each year, the licensee shall be permitted to complete continuing education requirements which he or she has failed to complete prior to the end of the fiscal year on September 30.

“(c) The ~~said~~ the license and license certificate shall be reinstated only upon the provision of satisfactory evidence to the board, in a form acceptable to the board, that the continuing education requirements for the one fiscal year next preceding the proposed reinstatement have been satisfied and upon the payment of all fees required to be paid under this chapter.

“(d) Every licensed optometrist who desires to continue the practice of optometry in the state shall annually, on or before the first day of October, pay to the secretary of the board a renewal fee of ~~\$112.00~~ one hundred sixty dollars (\$160), for which ~~he the licensee~~ the licensee shall receive a renewal of the registration. Every licensed optometrist approved by the board to use pharmaceutical agents shall pay an additional fee of one hundred dollars (\$100). The licensee shall sign and verify the accuracy of ~~his the~~ the registration and certify his or her compliance with the continuing education requirements of the board for renewal on a form provided by the board; ~~and, upon~~ Upon submission of the completed form prescribed by the board, together with the aforementioned fee, the licensee shall receive ~~therefor~~ the current annual registration certificate authorizing him or her to continue the practice of optometry in this state for a period of one year.

“(e) Any license and license certificate previously granted ~~under the authority of this or any prior optometry practice law~~ under the authority of this or any prior optometry practice law shall automatically

be suspended if the holder ~~thereof~~ fails to secure the annual registration certificate ~~herein provided for~~ by January 1 each year. Any optometrist whose license ~~shall be~~ is automatically suspended by reason of failure, neglect, or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of a penalty fee of ~~\$100.00~~ two hundred dollars (\$200) plus all accrued annual registration fees accompanied with the prescribed form for annual registration of ~~such~~ the license.

“(f) Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before the first day of November each year, the board shall notify ~~such~~ the licensee by certified or registered mail addressed to his or her last address of record that ~~such~~ the application and fee have not been received and that, unless ~~such~~ the application and fee are received on or before the first day of January of the following year, ~~his~~ the license and license certificate shall be automatically suspended.

“(g) The board may waive annual registration and the payment of fees while any licensee is prevented from practicing optometry by reason of physical disability or on temporary active duty with any of the armed forces of the United States. The waiver of fees ~~herein provided~~ shall be effective so long as ~~said~~ the disability or temporary active duty continues.

~~“Provided, however, under the provisions of this section, continuing result in a passing or failing grade.~~

“§34-22-23.

“Any of the following shall constitute grounds for revocation of license or suspension of license for a definite period of time, for a private or public reprimand, ~~or~~ for probation, ~~or~~ for the levying and collection of an administrative fine not to exceed ~~\$1,000.00~~ one thousand dollars (\$1,000) per violation, ~~or for~~ the institution of any legal proceedings necessary to ~~effect~~ enforce the provisions of this chapter:

“(1) Fraud, deceit, dishonesty, or misrepresentation, whether knowingly or unknowingly, in the practice of optometry or in obtaining any license, license certificate, annual registration certificate, or other thing of value;₂

“(2) Incompetency;₂

“(3) Conviction of a felony or a misdemeanor which involves moral turpitude;₂

“(4) Gross immorality;.

“(5) Habitual drunkenness or addiction to the use of morphine, cocaine or other drugs having similar effect;.

“(6) Insanity, as adjudged by a court of competent jurisdiction;.

“(7) Directly or indirectly employing, hiring, procuring, or inducing a person, not licensed to practice optometry in this state, to so practice;.

“(8) Directly or indirectly aiding or abetting in the practice of optometry any person not duly licensed to practice under this chapter;.

“(9) Directly or indirectly employing solicitors, canvassers, or agents for the purpose of obtaining patronage;.

“(10) Willfully or repeatedly violating any of the provisions of this chapter;.

“(11) Practicing or attempting to practice optometry under a name other than one's own name as set forth on the license certificate;.

“(12) Lending, leasing, renting, or in any other manner placing his or her license or license certificate at the disposal or in the service of any person not licensed to practice optometry in this state;.

“(13) Soliciting patients by fraudulent or misleading advertising of any kind, nature, or description;.

“(14) ~~For failure~~ Failing to comply with the continuing education requirements established by the board pursuant to the provisions of this chapter;.

“(15) ~~For practicing~~ Practicing optometry in any temporary office, apart from a regularly established office; provided, that a licensed optometrist may establish a branch office if such the branch office ~~shall be~~ is duly equipped with the instruments necessary, according to rules and regulations promulgated by the board, to make complete optometric examination; provided further, that such the branch office is in personal and direct charge of the optometrist establishing it or a licensed associate;.

“(16) ~~For practicing~~ Practicing optometry as the employee of any person, group, association, or corporation on the basis of any fee splitting or on any basis which has the effect of any such agreement; provided, that the provisions of this subdivision shall not be so construed as to prohibit a

licensed optometrist from participating in health maintenance organizations composed of licensed professional practitioners in the health care field, other similar ethical professional health care groups, or in professional associations or professional corporations organized under Alabama law or penalize him or her for ~~such~~ participation; provided further, that the provisions of this subdivision shall not be so construed as to prohibit a licensed optometrist from practicing as the partner, employee, or associate of another licensed optometrist; or a physician.

“(17) ~~Violation of such~~ Violating any other standards of unprofessional conduct as may be adopted as rules by the board.

“§34-22-42.

“The board shall exercise and perform, subject to this chapter, each of the following powers and duties:

“(1) Conduct examinations at least once each year to ascertain the qualifications and fitness of applicants for licenses to practice optometry.

“(2) Prescribe rules and regulations for conducting and administering an examination of applicants for licensing as optometrists and to effectuate this chapter.

“(3) Institute, upon a complaint or petition, ~~but not upon its own motion, complaint, or petition~~, hearings of charges against licensed optometrists or other persons as provided in this chapter.

“(4) Institute legal proceedings for violations of this chapter.

“(5) Grant and deny licenses in conformity with this chapter, including applications for approval to use pharmaceutical agents.

“(6) Formulate rules and regulations by which the board shall determine which optometry schools and colleges in or out of the State of Alabama have been duly accredited by a recognized and properly authorized accrediting agency and which accredited schools or colleges shall be approved by the board.

“(7) Establish standards of continuing education which shall be deemed a requisite to the renewal of licenses of applicants who are otherwise qualified to practice optometry in the State of Alabama.

“(8) Keep a register of optometrists containing the names and addresses of all persons to whom license certificates, temporary licenses, ap-

provals for use of pharmaceutical agents, and limited licenses have been issued in the State of Alabama, the date of the issuance, the place or places of business in which each optometrist is engaged, and all renewals, revocations, and suspensions; of licenses and certification.

“(9) Administer oaths and affirmations of witnesses, issue subpoenas to compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence, and materials in any hearing, investigation, or other proceeding before the board.

“(10) Employ or appoint an executive director, clerical personnel, and legal advisors or counsel to assist in implementing this chapter when there is a need for those services and when funds are available for those purposes. The executive director may be a licensed optometrist in this state, but may not, while serving as the executive director, also serve as a member of the board of optometry. The executive director shall not be subject to the State Merit System.

“(11) Prescribe rules and regulations establishing a program of internship as a requisite to application for license, if the board deems such a program advisable.

“(12) Prescribe rules and regulations establishing circumstances and conditions upon which temporary licenses may be issued by the board and the terms and conditions of ~~such~~ the temporary licenses.

“(13) Prescribe rules and regulations subject to the limitations of this act for the utilization of methods or means of treatment recognized as being within the scope of the practice of optometry.

“(14) Prescribe rules and regulations subject to the limitations of this act necessary for the performance of eye care procedures reasonably necessary to the treatment of conditions or diseases of the human eye and its adjacent structures.

“§34-22-43.

“(a) The secretary of the board shall keep a registry in which shall be entered the names of all persons to whom temporary licenses, limited licenses, license certificates, approvals for the use of pharmaceutical agents, and annual registration certificates have been granted under this chapter, the numbers of ~~such~~ the license certificates and annual registration certificates, the dates of granting the same, and other matters of ~~records~~ record, and shall keep a true and correct copy of the minutes of all board meetings, and the book so provided and kept shall be the official book of records.



“(b) A photostatic copy of ~~said the~~ records, or a copy of ~~said the~~ records certified by the secretary and under the seal of the board, shall be admitted in any of the courts of this state as prima facie evidence of the facts contained in ~~said the~~ records and in lieu of the original ~~thereof~~ records.

“(c) A certificate under the hand of the secretary and the seal of the board that there is not entered in such the record books the name, ~~and~~ number of, and date of granting such the license certificate or renewal license certificate to a person charged with a violation of any of the provisions of this chapter shall be prima facie evidence of the facts contained therein. Such The certificates shall be admitted in any of the courts of this state in lieu of the records of the board.

“(d) The original books, records, and papers of the board shall be kept at the office of the secretary of the board, which office shall be at such a place ~~as may be~~ designated by the board.

“(e) Upon the payment of a reasonable fee ~~to be~~ established from time to time by the board, the secretary of the board shall mail a copy of the most recent registry to any person requesting same it.”

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

Senator Figures then offered the following amendment to the Bill, SB 307, as amended by the substitute, to-wit:

**AMENDMENT TO SB 307, AS AMENDED**

On page 5, lines 5 and 21, delete the language:

, except steroids

On page 6, line 14, after the period, insert the following language:

Notwithstanding any provision of this act to the contrary, the practice of optometry shall include the prescribing and administering of pharmaceutical agents which are commonly known as steroids.

Which was adopted.

Yeas 23 Nays 11

Yeas:

Senators:

Adams, Amari, Barron, Bedford, Biddle, Clay, Davidson, Dial, Escott-Russell, Figures, Ghee, Lindsey, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

Senators:

Armistead, Bailey, Butler, Denton, Dixon, Freeman, Hale, Hill, Langford, Lipscomb, and Little -11

And said Bill, SB 307, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 34 Nays 1

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nay: Senator Bailey

- 1

Senator Biddle moved that the Senate reconsider the vote by which the Bill, SB 307, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**RESOLUTION**

Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 68. COMMENDING SENATOR HINTON MITCHEM ON THE OCCASION OF HIS "57TH" BIRTHDAY.**

WHEREAS, today is the 57th anniversary of Senator Hinton Mitchem's birth; and he has been serving in the Alabama Legislature since Methuselah was around, and

WHEREAS, Senator Mitchem might now need additional plastic surgery to pull his eyes back upon his face once again; and

WHEREAS, at his age, his golf clubs now spend more time in his garage rather than on the back of a golf cart; and

WHEREAS, his beautiful daughter, Tanya, is awaiting her upcoming nuptials, Senator Mitchem might want to consider a "double-ring" ceremony; and

WHEREAS, Senator Mitchem had the misfortune of having to attend the University of Georgia, thus tagging him as a "bulldog" for the rest of his life..which has to be extremely frustrating; and

WHEREAS, Senator Mitchem is nearing that magical age where he might want to consider "retiring" to the Bahamas so that he may better chase fast women and bet on slow horses; and

WHEREAS, the Alabama Senate owes a deep debt of gratitude to Senator Mitchem for popularizing the use of the "previous roll call" which has helped decrease the amount of time that he has to spend on the floor of the Senate, thus allowing him more time to pursue his other activities; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we heartily congratulate Senator Hinton Mitchem on the anniversary of his birth and wish him the best as he closes in on the BIG "6" "0".

On motion of Senator Little, the Resolution was adopted by the Senate.

**MOTION TO ADJOURN LOST**

At 2:45 P.M., Senator Hale moved that the Senate adjourn until Tuesday, May 23, 1995, which motion was lost.

Yeas 6 Nays 22

Yeas:

Senators:

Butler, Freeman, Hale, Mitchem, Poole, and Smith

- 6

Nays:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Smitherman, Steele, and Windom

-22

**ADJOURNMENT**

At 2:50 P.M., on motion of Senator Dial, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, May 23, 1995, at 1 o'clock P.M.

## **TENTH LEGISLATIVE DAY**

**TUESDAY, MAY 23, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Dr. Dan Ireland, Green Valley Baptist Church, Hoover, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Derrick Bell, Carver Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 25, 1995, at 10 o'clock A.M., which motion was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Haney:

**HJR 164.** COMMENDING EVA H. THOMPSON OF MONROVIA, ALABAMA, AS ALABAMA'S 1995 TEACHER OF THE YEAR.

Also:

By Rep. Gaston:

**HJR 166.** COMMENDING STEVE KITTRELL FOR HIS 500TH WIN AS A COLLEGE BASEBALL COACH.

Also:

By Rep. Gaston:

**HJR 167.** COMMENDING BRIAN GILLIS CAMPBELL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 164, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Biddle, the Rules were suspended and the Resolutions, HJR's 166 and 167, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 174. RELATIVE TO MEETING DAYS.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 174, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Pringle:

**HJR 165. URGING THE RETURN OF THE CSS HUNLEY TO THE CITY OF MOBILE, ALABAMA.**

WHEREAS, the Legislature of Alabama notes the significant historical discovery of the legendary Confederate States Submarine Hunley, off the coast of Sullivans Island near Charleston, South Carolina, on May 3, 1995; and

WHEREAS, the discovery of the CSS Hunley, whose 25-foot hull was adapted from an iron boiler, has been described as the greatest underwater find since the renowned Union gunboat USS Monitor was located; and

WHEREAS, the CSS Hunley, on the night of February 17, 1864, sailed out of Charleston Harbor, rammed a torpedo packed with 100 pounds of black powder into the stern of the USS Housatonic, after which the brave crew by means of hand cranks pulled away from the Union frigate and detonated the explosives with a rope; thus the Hunley became the first successfully operated submarine and the first submarine to sink another vessel during a war; however, the success of the mission was short-lived; the vessel never returned to port, the cause of its sinking still a mystery; and

WHEREAS, the State of Alabama and the City of Mobile may justifiably maintain a significant connection with this naval icon; the craft was constructed near the intersection of Canal and Water Streets in Mobile by Park and Lyons Company, and we note that while this machine shop was dismantled some years ago, its building materials were salvaged and placed in storage by the city with each brick numbered for eventual reconstruction; and

WHEREAS, the City of Mobile was the home port for the CSS Hunley, the majority of the crew on the night of its historic mission were Mobilians, and the vessel was shipped via rail from its point of origin to Charleston, all documented facts which provide strong arguments for the return of the submarine to its hometown; and

WHEREAS, the City Museum of Mobile currently has a life-size replica of the Hunley and a detailed display and drawings of the interior of the vessel, testaments of the paramount historical appreciation the city possesses in this revolutionary invention; and with the anticipated relocation of this nationally respected museum to the Old City Hall, a National Landmark, the Hunley may be displayed and housed in the most appropriate and historically correct site; and

WHEREAS, press reports concerning the proprietary rights of the vessel are conflicting, but irrespective of who possesses the rights to the submarine, the Hunley belongs to all the citizens of this nation and it should be placed in the most historically proper and accurate location, which is the port and city of its conception and construction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly encourage all interested parties involved in the salvaging of the vessel, including the United States Government, the State of South Carolina, the University of South Carolina, and Mr. Clive Cussler, to earnestly consider returning this magnificent historical treasure to its home, the grand and beautiful City of Mobile, Alabama.



BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to those interested parties enumerated herein and to the City of Mobile so that they may be informed of our sentiments.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 165, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight (A):

**HJR 170. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.**

WHEREAS, the Alabama Legislature, during the 1994 Legislative Session, debated and considered ways in which to meet the pressing need for additional nursing home beds in the State of Alabama and searched for a legislative solution to encourage gradual steady growth of available nursing home beds in those counties where the need for additional nursing home beds was the most pressing; and

WHEREAS, in the 1994 Regular Session, the Alabama Legislature passed Act No. 94-209, which amended Section 22-21-265 of the Code of Alabama 1975, commonly known as the "Ten Percent Act" which was signed into law on March 17, 1994, thereby creating a statutory system designed to meet the need for additional nursing home beds in the State of Alabama; and

WHEREAS, nursing home facilities in the State of Alabama, in accordance with the intent and purpose of the Alabama Legislature, applied for and received exemptions pursuant to the Ten Percent Act from the Executive Director of the Alabama State Health Planning and Development

Agency (SHPDA), and in reliance upon the granting of exemptions pursuant to the Ten Percent Act, constructed additional nursing home beds to meet the pressing need for nursing home beds in the State of Alabama; and

WHEREAS, SHPDA Executive Director, Elbert Peters, and the SHPDA Board have notified numerous nursing home facilities throughout the State of Alabama that exemptions granted pursuant to the Ten Percent Act are being reconsidered and may be revoked; and

WHEREAS, the actions of SHPDA Executive Director, Elbert Peters, and the SHPDA Board threaten to force Alabama residents from nursing home beds lawfully added pursuant to the Ten Percent Act, and threaten to cause nursing home facilities to lose millions of dollars already spent in reliance upon exemptions granted pursuant to the Ten Percent Act thereby endangering the very fabric of the nursing home industry in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge SHPDA Executive Director, Elbert Peters, and the SHPDA Board to ratify the exemptions granted to nursing home facilities in the State of Alabama pursuant to the Ten Percent Act, and to desist from any further efforts to reconsider or revoke exemptions granted pursuant to the Ten Percent Act, so that Alabama residents may continue to remain in badly needed additional nursing home beds available as a result of the Ten Percent Act, and so that nursing home facilities in the State of Alabama may not lose millions of dollars already spent to provide the badly needed nursing home beds added pursuant to the Ten Percent Act, thus ensuring that the nursing home industry in the State of Alabama may continue to meet the pressing needs of Alabama residents for available nursing home beds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Elbert Peters.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Freeman, the Rules were suspended and the Resolution, HJR 170, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 89.** To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

GREG PAPPAS,  
Clerk.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Roberts:

**S. 462.** To further provide for preference given to Alabama persons, firms, or corporations in the awarding of public contracts subject to the State Competitive Bid Law and to amend Section 41-16-27, Code of Alabama 1975.

Committee on Industrial Development  
and Recruitment

By Senator Mitchell:

**S. 463.** Relating to alcoholic beverages, to alter the monetary fine imposed upon licensees selling alcoholic beverages to minors, and to amend Section 28-3A-25 of the Code of Alabama 1975.

Committee on Governmental Affairs

By Senator Hale:

**S. 464.** To provide for the examination, certification, registration, and regulation of septic tank contractors; to set standards of performance; and to prescribe penalties for violation of this act.

Committee on Commerce,  
Transportation, and Utilities

By Senator Langford:

**S. 465.** To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Committee on Commerce,  
Transportation, and Utilities

By Senator Mitchem:

**S. 466.** To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

Committee on Commerce,  
Transportation, and Utilities

By Senator Lindsey:

**S. 467.** To state the legislative intent; to define terms used in this act; to designate the Board of Nursing as the sole state authority to establish the qualifications necessary for a registered nurse to be certified as an advanced practice nurse; to authorize the Board of Nursing to adopt rules and regulations governing the certification of the advanced practice nurse; to provide that the State Board of Medical Examiners and the Board of Nursing shall regulate the collaborative practice of physicians and ad-

vanced practice nurses which includes certified registered nurse practitioners and certified nurse midwives, to require persons wishing to engage in those two categories of advanced practice nursing to be certified by the Board of Nursing and practice in accordance with protocols approved by the State Board of Medical Examiners and the Board of Nursing to recommend rules and regulations to govern the collaborative relationship between physicians and those two categories of advanced practice nurses; to authorize two categories of advanced practice nurses to prescribe legend drugs; to specify prohibited acts; to establish requirements for disciplinary actions to be initiated by the State Board of Medical Examiners and the Board of Nursing; and to authorize the State Board of Medical Examiners and the Board of Nursing to seek a civil injunction against any person engaged in advanced practice nursing in violation of this act.

Committee on Health  
and Human Resources

By Senator Hill:

**S. 468.** To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Hill:

**S. 469.** To amend Section 9-11-56.2 of the Code of Alabama 1975, relating to the establishment of the annual "Free Fishing Day"; to require for the designation of two dates each calendar year.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Bailey:

**S. 470.** To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

Committee on Fiscal Responsibility  
and Accountability

By Senators Bedford and McClain:

**S. 471.** Relating to scrap tire disposal and management in this state; to levy fees on the sale of new tires; to provide fees for certain licensed facilities that shred or recycle scrap tires; to manage the proceeds in a specially created fund for administrative expenses and proceeds for the abatement of scrap tires; to prescribe civil remedies and administrative penalties for violations of this act; and to distribute fees for certain purposes.

Committee on Conservation, Environment,  
and Natural Resources

By Senators Amari, Bailey, Sanders, Adams, Armistead, Davidson, Hill, Waggoner, Dial, Windom, Smitherman, Biddle, Mitchell, Figures, Little, Hale, Dixon, Clay, Steele, Freeman, McClain, Roberts, Ghee, Bedford, Smith, Lipscomb, Lindsey, Mitchem, Butler, Denton, and Barron:

**S. 472.** To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the

funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Finance  
and Taxation Education

By Senator Hale:

**S. 473.** To amend Sections 36-30-1 and 36-30-2 of the Code of Alabama 1975, to provide further for compensation for death and disability of certain firefighters.

Committee on Commerce,  
Transportation, and Utilities

By Senators Bedford, Windom, Barron, and Waggoner:

**S. 474.** To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama where the bank or bank holding company owns more than 50 percent of the stock of the corporation; to provide further for the determination of the amount of capital employed by a bank or bank holding company in the State of Alabama; and to provide for a retroactive effective date.

Committee on Banking  
and Insurance

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (J):

**H. 479.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Wilcox County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 479 - to the Committee on Constitution, Campaign Finance, Ethics, and Elections

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hammett:

**H. 17.** To amend Section 17-4-138 of the Code of Alabama 1975, to limit the collection of the \$.05 fee per name from the list of qualified electors to judges of probate who are compensated on the fee system; and to provide for an effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-



sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 17 - to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (L) (With Notice and Proof):

**H. 546.** Relating to Sumter County; to repeal Act No. 85-471, H. 754 of the 1985 Regular Session (Acts 1985, p. 465), providing supplemental fee allowances for constables and for additional court costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 546 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Crigler, McMillan, Hawkins, Moore, Sanderson, Sims, Jorgensen, Papucci, Seibenhener, Wren, Carns, Knight (A), Thomas (D), Penry,

McKee, Hooper, Dean, Townsend, Morton, Haney, Clouse, Pringle, and Allen:

**H. 310.** To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the person at a hearing in criminal proceedings and in certain civil proceedings; provide for the contents of the certificate of analysis; provide the procedure for the submission of the certificate of analysis; and provide for exceptions.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 310 - to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hall (L):

**H. 315.** To amend Sections 16-49-20 and 16-49-26 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University Board of Trustees; to provide further for the membership; to redefine the time, frequency, and manner of convening of the board; and to provide for the replacement of members of the board.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 315 - to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner:

**H. 56.** To authorize the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 56 - to the Committee on Conservation, Environment, and Natural Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hammett, Clark (J), Hooper, Ford, Newton (C), Haney, Moore, Warren, Wren, Jorgensen, White, Baker, Curry, Sanderson, McDaniel, Black (M), Letson, and Carter:

**H. 71.** To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 71 - to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Page, Petelos, and Morrow:

**H. 94.** To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 94 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**S. 256.** To amend Sections 16-8-10 and 16-11-18, Code of

Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Lindsey, the Senate concurred in and adopted the following House amendment to the Bill, SB 256, the title of which is set out in the foregoing Message from the House, to-wit:

**SUBSTITUTE FOR SB 256**

**A BILL  
TO BE ENTITLED  
AN ACT**

To repeal Sections 16-8-10 and 16-11-18, and 16-9-15, Code of Alabama, 1975, pertaining to written policies for teachers for city and county boards of education and to replace the statutes with this act so as to require written input by education support personnel as well as teachers when policies are adopted affecting such employees; to require the input by the employees to be in writing; to establish other regulations relating to written policies for public school personnel; to establish definitions; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections Repealed. Sections 16-8-10, 16-11-18, and 16-9-15, Code of Alabama, 1975, as amended, pertaining to educational policies of county and city boards of education are hereby specifically repealed.

Section 2. Definitions. When used in this act, the following words shall have the following meanings:

(a) **LOCAL BOARD OF EDUCATION** or **BOARD OF EDUCATION**. Any city or county board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; and the Board of Directors of the Alabama High School of Mathematics and Science.

(b) **CHIEF EXECUTIVE OFFICER.** The superintendent of any public county or public city school system; the President of the Alabama Institute for Deaf and Blind; the Superintendent of the Department of Youth Services District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science.

(c) **PROFESSIONAL ORGANIZATION.** The employees' local professional organization whose parent organization represents the majority of school employees statewide.

Section 3. The local board of education shall, upon the written recommendation of the chief executive officer, determine and establish a written educational policy for the board of education and its employees and shall prescribe rules and regulations for the conduct and management of the schools. Before adopting the written policies, the board shall, directly or indirectly through the chief executive officer, consult with the applicable local employees' professional organization. Input by the applicable professional organization shall be made in writing to the chief executive officer. Representatives of the professional organization shall be made known to the chief executive officer in writing by the professional organization's duly elected officers or their representative. The chief executive officer of the board may also consult with professional assistants, principals, employees, and other interested citizens. The written policies, rules, and regulations, so established, adopted, or promulgated shall be made available to all persons affected and employed by the board. Any amendments to the policies, rules, and regulations shall be developed in the same manner and furnished to the affected persons employed by the board within 20 days after adoption.

Section 4. This act shall become effective with the commencement of the 1995-96 scholastic year.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Butler, Clay, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 307.** To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

PAT LINDSEY,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Knight (A):

**H. 500.** To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 500 - to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Johnson (R):

**H. 190.** To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-

67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 or Class 8 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 190 - to the Committee on Conservation, Environment, and  
Natural Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Newton (C):

**H. 388.** To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer or firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 388 - to the Committee on Small Business and Rural Development



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Carothers:

**H. 187.** To establish the Alabama Nonindigenous Aquatic Plant Control Act under the direction of the Alabama Department of Conservation and Natural Resources; to prohibit the introduction, placement, or the causing of the introduction or placement, of any nonindigenous aquatic plant into any public waters of the state; and to provide misdemeanor penalties for violation of the prohibitions.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 187 - to the Committee on Agriculture and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Layson and Hamilton:

**H. 299.** To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 299 - to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. McDaniel:

**H. 50.** To amend Section 40-10-6, Code of Alabama 1975, to allow publication by the tax collector of notices of land sales for delinquent taxes to be placed in any newspaper or newspapers published in the county.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 50 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Flowers, Hooper, Pringle, Knight (J), Morrison, Smith, Payne, Box, Parker (T), Newton (C), Collins, Venable, Hamilton, Reed, Clouse, Baker, Crigler, Moore, Curry, Hawkins, Carns, and Hill:

**H. 481.** Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a

certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 481 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hooper, Carter, Clark (J), Turner, Jorgensen, Dukes, Sanderford, Graham, Carns, Townsend, Hinshaw, Papucci, Haney, Gipson, Robinson, Melton, Laird, Burke, McKee, Guin, Sims, Seibenhener, Moore, McMillan, Parker (T), Newton (C), Venable, Hammett, Flowers, White, Box, Maull, Boyd, Crigler, Baker, Wren, Hamilton, Carothers, Johnson (E), Clouse, and Houston:

**H. 438.** To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project under-

taken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 438 - to the Committee on Industrial Development and Recruitment

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Rogers (J):

**H. 373.** To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 373 - to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Laird:

**H. 345.** To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama, 1975, relating to retirement benefits of teachers and state employees, to remove the disability reduction factor for members of the Teachers' and Employees' Retirement Systems effective October 1, 1995; and to provide for the payment of full earned benefits prospectively from that date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 345 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee:

**H. 46.** To repeal Section 8 of Act No. 94-322, S. 282, 1994 Regular Session, now appearing as Section 3-8-1, Code of Alabama 1975, which provides that it is illegal to own, maintain, sell, or trade any canidae or felidae for which there is no USDA licensed rabies vaccine.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 46 - to the Committee on Agriculture and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (D):

**H. 282.** To repeal Act No. 516 of the 1931 Regular Session of the Legislature of Alabama (Acts of Alabama 1931, p. 628) as formerly codified by Section 597 of Title 62 of the Code of Alabama 1940, and as amended by Act No. 443 of the 1947 Regular Session of the Legislature of Alabama (Local Acts of Alabama 1947, p. 302).

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 282 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Sanderford, Hall (A), Haney, Dukes, Papucci, McDaniel, Jorgensen, Morrow, Robinson, Page, and Reed:

**H. 379.** To amend Section 9-11-237 of the Code of Alabama 1975, relating to the sale and purchase of game birds and animals and the meat or other product thereof, to provide that venison, other than venison from a white-tailed deer, may be sold in the state under certain conditions.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 379 - to the Committee on Agriculture and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

**H. 367.** To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 367 - to the Committee on Conservation, Environment, and Natural Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Page:

**H. 20.** To amend Section 32-6-350 of the Code of Alabama 1975, relating to distinctive license tags for certain veterans, to provide that the local veterans affairs officer in the county in which application is made to certify eligibility of a Vietnam Veteran for the tag.

Also:

By Rep. Perdue:

**H. 160.** To amend Section 41-16-52 of the Code of Alabama



1975, to increase the amount of certain expenditures for repair, repair parts, or lease of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater that may be made without the requirement of competitive bids being taken.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 20 - to the Committee on Veterans and Military Affairs

HB 160 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith:

**H. 102.** Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 102 - to the Committee on Small Business and Rural Development

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

**H. 363.** To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

Also:

By Rep. Turner:

**H. 365.** To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

Also:

By Rep. Turner:

**H. 366.** To amend Section 9-11-56.2 of the Code of Alabama 1975, relating to the establishment of the annual "Free Fishing Day"; to require for the designation of two dates each calendar year.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 363, 365, and 366 - to the Committee on Conservation, Environment, and Natural Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Knight (A):

**H. 356.** To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 356 - to the Committee on Tourism and Marketing

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

**H. 360.** This bill would require all commercial fishing equipment used in the waters of this state to be affixed with a tag containing the name, address, and social security number or tax identification number of the commercial fisherman, and provide for a penalty.

Also:

By Rep. Turner:

**H. 361.** To prohibit the designing, building, or use of wooden fishing boxes with barriers spaced less than an inch apart, and would provide penalties.

Also:

By Rep. Turner:

**H. 362.** To amend Section 9-11-88 of the Code of Alabama

1975, prohibiting the use of gill, trammel, or similar type net, in certain waters of the state; to prohibit the use of the devices in fresh waters impounded by the William "Bill" Dannelly Reservoir Dam; to specifically exclude the use of certain hoop nets and wooden boxes from the prohibition of similar type nets; and to provide for misdemeanor penalties for violations.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 360, 361, and 362 - to the Committee on Conservation, Environment, and Natural Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Petelos and Hall (L):

**H. 208.** To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 208 - to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

Reps. Sims, Boyd, and Johnson (R) (With Notice and Proof):

**H. 396.** Relating to Talladega County; providing further for the fees of constables.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 396, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Dukes (With Notice and Proof):

**H. 415.** Providing for a board of education for the City of Decatur, to be elected by the qualified electors of the city; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing members and for filling vacancies on the board; providing for board representation for persons not residing within a specific school district; providing certain immunity for board members; and providing for financial audits of the records of the board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 415, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Dukes (With Notice and Proof):

**H. 416.** Relating to the City of Decatur; to authorize the city to provide each city police officer who retires in good standing with his or her badge and a pistol.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 416, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 396, 415, and 416 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dukes (With Notice and Proof):

**H. 417.** Relating to the City of Decatur; to provide for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the city; and to provide for liens on the property under certain conditions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 417, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

**H. 452.** Relating to Greene County; providing for an additional

special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 452, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Clouse (With Notice and Proof):

**H. 485.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 485, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Black (M) (With Notice and Proof):

**H. 497.** Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 497, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 417, 452, 485, and 497 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett (With Notice and Proof):

**H. 512.** Relating to Covington County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 512, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Millican (With Notice and Proof):

**H. 514.** Relating to Marion County; authorizing the sheriff to operate a jail canteen; authorizing the sheriff to retain profits accruing from the pay telephones, vending machines, and canteen in the county jail in a special fund to be used by the sheriff for law enforcement purposes; and confirming and ratifying certain prior actions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 514, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.



**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 512 and 514 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Black (L):

**HJR 159.** COMMENDING MRS. VIRGINIA OZMENT ON THE OCCASION OF HER RETIREMENT.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 159, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Black (L):

**HJR 160.** COMMENDING MR. ROBERT SMITH ON THE OCCASION OF HIS RETIREMENT.

Also:

By Rep. Black (L):

**HJR 161.** COMMENDING MRS. LAURA ELIZABETH LOWERY LITTLE FOR DISTINGUISHED SERVICE.

Also:

By Rep. Box:

**HJR 162.** COMMENDING BECKY DICKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Box:

**HJR 163.** CONGRATULATING MR. AND MRS. ROBERT GORDON LISTER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 160, 161, 162, and 163, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Flowers:

**HJR 152.** COMMENDING THE HONORABLE M. JOHN STEENSLAND, JR., OF DOTHAN, ALABAMA.

Also:

By Reps. Kennedy, Gaston, Clark (W), Box, Mitchell, Crigler, Turner, Dean, Buskey, and Pringle:

**HJR 155.** COMMENDING ANN DELCHAMPS OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Houston:

**HJR 157.** WELCOMING THE NEIGHBORHOODS, U.S.A.  
ANNUAL CONFERENCE TO BIRMINGHAM, ALABAMA.

Also:

By Rep. Black (L):

**HJR 158.** COMMENDING MRS. RUBY MILLER ON THE  
OCCASION OF HER RETIREMENT.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 152, 155, 157, and 158, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 18th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

Mr. James S. Clark, Speaker of the Alabama House of Representa-

tives, has appointed, subject to your confirmation, Mr. James D. Hays of Huntsville, Alabama, to serve as a member of the Alabama Trust Fund effective September 21, 1992. His term will expire October 10, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of May, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Trust Fund, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

BETH KILLOUGH CHAPMAN,  
Appointments Secretary.

Done this 9th day of May, 1995.

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Bettye Fine Collins of Trussville, Alabama, to serve as a member of the Alabama Commission on Higher Education effective April 28, 1995. She will be repre-

senting the 6th Congressional District. Her term will expire August 31, 2003.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 9th day of May, 1995.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Confirmations.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 89.** To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 256.** To repeal Sections 16-8-10 and 16-11-18, and 16-9-15, Code of Alabama, 1975, pertaining to written policies for teachers for city and county boards of education and to replace the statutes with this act so as to require written input by education support personnel as well as teachers when policies are adopted affecting such employees; to require the input by the employees to be in writing; to establish other regulations relating to written policies for public school personnel; to establish definitions; and to provide an effective date.

PAT LINDSEY,  
Chairperson.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORTS OF COMMITTEES

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Freeman:

**S. 431.** To repeal Sections 28-3-220 to 28-3-226, inclusive, Code of Alabama 1975, in their entirety.

By Senator Mitchem:

**S. 450.** To amend Section 40-12-264, Code of Alabama 1975, relating to the issuance of dealer license plates; to allow a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer to obtain dealer plates based on combined retail and wholesale sales of motor vehicles.

By Reps. Hall (A), Sanderford, Jorgensen, Hayden, and McClammy:

**H. 451.** To amend Sections 34-37-4, 34-37-5, and 34-37-6 Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to extend the time period in which certain applicants may be licensed by the board without being required to take an examination.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator McClain:

**S. 39.** To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Substitute):

**S. 95.** To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 118.** To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

Senator Bedford, Chairperson of the Standing Committee on Judi-

ciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Senator Butler (With Substitute, As Amended):

**S. 128.** To amend Section 14-3-3, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financial responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

**S. 226.** To regulate the insurance industry and to establish the crime of fraudulent insurance practices; to provide for unfair practices relating to advertising, certain solicitations, endorsements, and the use of other inducements by the insurance industry; to require truthful advertising and certain disclosure of benefits, sponsorship, and other pertinent information for the policyholder or applicant; to provide for misdemeanor criminal penalties; and to construe this act with insurance laws regulating rebates and special inducements.

By Senator Bedford (With Amendment):

**S. 249.** To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their posses-



sion a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

By Senator Bedford (With Amendment):

**S. 250.** To amend Sections 36-30-20, 36-30-21, and 36-30-22 of the Code of Alabama 1975, relating to compensation for disability or death of municipal and other peace officers and law enforcement officers for certain defined occupational diseases; to extend the coverage of benefits for death or disability from certain occupational diseases of peace officers and law enforcement officers of all municipalities, counties, and the state; to define the term peace officer; and to define totally and partially dependent, and spouse.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 263.** Relating to the awarding of the custody of a child; permitting a child who is 14 years of age or older to designate the custodial parent.

By Senators Bedford, Roberts, Smitherman, Little, Lindsey, and Windom:

**S. 332.** To amend Section 41-23-24, Code of Alabama 1975, the Alabama Enterprise Zone Act, by providing that the tax incentives shall also be available to new and expanding small businesses adding employees and making certain capital investments in an enterprise zone.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Freeman (With Amendments):

**S. 62.** To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; and to provide for the appropriation of funds to the board.

Senator Mitchell, Chairperson of the Standing Committee on Gov-

**10th Day**

ernmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Substitute, As Amended):

**S. 277.** To establish the Alabama Clean Indoor Air Act; to prohibit smoking in certain public places; and to provide penalties for violations.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Amari, Waggoner, McClain, Ghee, Lipscomb, and Windom (With Substitute):

**S. 290.** Establishing the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state laws prohibiting the sale of tobacco and tobacco products to minors; establishing wholesale and retail licenses and authorizing the Alabama Alcohol Beverage Control Board to collect license fees for sales or distribution of tobacco and tobacco products for purposes of offsetting the agency's costs of administering its regulatory, educational, and licensing responsibilities; and to provide penalties for violations.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hammett, Clark (J), Carter, Fuller, Newton (D), Hooper, Hill, Knight (A), Moore, Clouse, Gaines, Gipson, Townsend, Wren, Laird, Turner, Allen, Morton, Gaston, Smith, Maull, Dean, and Collins (With Substitute):

**H. 135.** To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; pro-

vide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 121.** Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation

agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 260.** Relating to trusts, providing further for the powers of trustees.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 349.** Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

By Senators Bedford, Dial, Roberts, Smitherman, and McClain:

**S. 377.** To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required clean-up,

and closure of unauthorized dumps by innocent, responsible land owners; to authorize fees for disposal or incineration of solid waste within the state; to establish minimum standards for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Amendment):

**S. 421.** To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

Senator Barron, Chairperson of the Standing Committee on Finance and Taxation General Fund, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

**S. 410.** To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; make the domestic violence shelters within the State of Alabama that meet the standards eligible for receiving state funds, provide for the distribution of the funds; and require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

By Rep. Fuller:

**H. 42.** To amend Section 4 of Act 93-133, H. 285, 1993 Regular Session, to remove the expiration date of the increase in fees provided in Act 92-227, H. 605, 1992 Regular Session.

Senator Barron, Chairperson of the Standing Committee on Finance and Taxation General Fund, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Fuller (With Substitute):

**H. 233.** To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the

State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Davidson:

**S. 15.** Relating to Walker County, to propose an amendment to the Constitution of Alabama of 1901, providing further powers and authority to purchase, lease, or acquire land for the development of industrial sites and industrial park projects.

The above Bill was read a second time at length as required by the Constitution.

By Senator Roberts:

**S. 433.** Relating to Morgan County, to propose an amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to continue to levy a county-wide 4.3 mill and 1.5 mill ad valorem tax as originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of all public schools in Morgan County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Roberts:

**S. 438.** Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of the Hartselle city schools.

The above Bill was read a second time at length as required by the Constitution.

By Senator Roberts:

**S. 440.** Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a 3.6 mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the Decatur public schools.

The above Bill was read a second time at length as required by the Constitution.

By Senator Roberts:

**S. 441.** Relating to Morgan County, to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967 and scheduled to expire on September 30, 1995, for the benefit of the schools under the jurisdiction of the Morgan County Board of Education.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Ford, Galliher, and Page (With Notice and Proof):

**H. 73.** Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

By Rep. Parker (P) (With Notice and Proof):

**H. 78.** Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

By Rep. Parker (P) (With Notice and Proof):

**H. 86.** Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.



By Rep. Black (L) (With Notice and Proof):

**H. 88.** Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

By Rep. Layson (With Notice and Proof):

**H. 418.** Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

## REPORT FROM RULES

Senator Lindsey, Chairperson of the Standing Committee on Rules reported that said committee, in session, had acted on the following Motion in Writing, and ordered same returned to the Senate with a favorable report, to-wit:

## MOTION IN WRITING

Pursuant to the Notice in Writing previously given, I move that Rule No. 4 of the Rules of the Senate be amended to read as follows:

## MOTION IN WRITING

“RULE 4. No person shall be admitted to the floor of the Senate's Chamber while the Senate is in session except members. Former members of the Legislature, except registered lobbyists, and former Lieutenant Governors, the officers and employees of the two houses, the employees of the Presiding Officer, the Governor and his ~~secretary~~ representative, representatives of the press, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work shall also be admitted to the floor and all of whom shall be placed by the Secretary of the Senate. On the first legislative day of any regular, special or organizational session, the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.”

On motion of Senator Waggoner, said Motion in Writing was then adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -26

Nays:

- 0

### REPORT FROM RULES

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**SJR 62.** URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

WHEREAS, the Alabama Legislature, during the 1994 Legislative Session, debated and considered ways in which to meet the pressing need for additional nursing home beds in the State of Alabama and searched for a legislative solution to encourage gradual steady growth of available nursing home beds in those counties where the need for additional nursing home beds was the most pressing; and

WHEREAS, in the 1994 Regular Session, the Alabama Legislature passed Act No. 94-209, which amended Section 22-21-265 of the Code of Alabama 1975, commonly known as the "Ten Percent Act" which was signed into law on March 17, 1994, thereby creating a statutory system designed to meet the need for additional nursing home beds in the State of Alabama; and

WHEREAS, nursing home facilities in the State of Alabama, in accordance with the intent and purpose of the Alabama Legislature, applied for and received exemptions pursuant to the Ten Percent Act from the Executive Director of the Alabama State Health Planning and Development Agency (SHPDA), and in reliance upon the granting of exemptions pursuant to the Ten Percent Act, constructed additional nursing home beds to

meet the pressing need for nursing home beds in the State of Alabama; and

WHEREAS, SHPDA Executive Director, Elbert Peters, and the SHPDA Board have notified numerous nursing home facilities throughout the State of Alabama that exemptions granted pursuant to the Ten Percent Act are being reconsidered and may be revoked; and

WHEREAS, the actions of SHPDA Executive Director, Elbert Peters, and the SHPDA Board threaten to force Alabama residents from nursing home beds lawfully added pursuant to the Ten Percent Act, and threaten to cause nursing home facilities to lose millions of dollars already spent in reliance upon exemptions granted pursuant to the Ten Percent Act thereby endangering the very fabric of the nursing home industry in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge SHPDA Executive Director, Elbert Peters, and the SHPDA Board to ratify the exemptions granted to nursing home facilities in the State of Alabama pursuant to the Ten Percent Act, and to desist from any further efforts to reconsider or revoke exemptions granted pursuant to the Ten Percent Act, so that Alabama residents may continue to remain in badly needed additional nursing home beds available as a result of the Ten Percent Act, and so that nursing home facilities in the State of Alabama may not lose millions of dollars already spent to provide the badly needed nursing home beds added pursuant to the Ten Percent Act, thus insuring that the nursing home industry in the State of Alabama may continue to meet the pressing needs of Alabama residents for available nursing home beds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Elbert Peters.

On motion of Senator Freeman, said Resolution, SJR 62, was adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**SR 61.** URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

WHEREAS, the Alabama Legislature, during the 1994 Legislative Session, debated and considered ways in which to meet the pressing need for additional nursing home beds in the State of Alabama and searched for a legislative solution to encourage gradual steady growth of available nursing home beds in those counties where the need for additional nursing home beds was the most pressing; and

WHEREAS, in the 1994 Regular Session, the Alabama Legislature passed Act No. 94-209, which amended Section 22-21-265 of the Code of Alabama 1975, commonly known as the "Ten Percent Act" which was signed into law on March 17, 1994, thereby creating a statutory system designed to meet the need for additional nursing home beds in the State of Alabama; and

WHEREAS, nursing home facilities in the State of Alabama, in accordance with the intent and purpose of the Alabama Legislature, applied for and received exemptions pursuant to the Ten Percent Act from the Executive Director of the Alabama State Health Planning and Development Agency (SHPDA), and in reliance upon the granting of exemptions pursuant to the Ten Percent Act, constructed additional nursing home beds to meet the pressing need for nursing home beds in the State of Alabama; and

WHEREAS, SHPDA Executive Director, Elbert Peters, and the SHPDA Board have notified numerous nursing home facilities throughout the State of Alabama that exemptions granted pursuant to the Ten Percent Act are being reconsidered and may be revoked; and

WHEREAS, the actions of SHPDA Executive Director, Elbert Peters, and the SHPDA Board threaten to force Alabama residents from nursing home beds lawfully added pursuant to the Ten Percent Act, and threaten to cause nursing home facilities to lose millions of dollars already spent in reliance upon exemptions granted pursuant to the Ten Percent Act thereby endangering the very fabric of the nursing home industry in the State of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we hereby urge SHPDA Executive Director, Elbert Peters, and the SHPDA Board to ratify the exemptions granted to nursing home facilities in the State of Alabama pursuant to the Ten Percent Act, and to desist from any further efforts to reconsider or revoke exemptions granted pursuant to the Ten Percent Act, so that Alabama residents may continue to remain in badly needed additional nursing home beds available as a result of the Ten Percent Act, and so that nursing home facilities in the State of Alabama may not lose millions of dollars already spent to provide the badly needed nursing home beds added pursuant to the Ten Percent Act, thus insuring that the

nursing home industry in the State of Alabama may continue to meet the pressing needs of Alabama residents for available nursing home beds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Elbert Peters.

On motion of Senator Freeman, said Resolution, SR 61, was adopted by the Senate.

Yeas 16 Nays 9  
Abstaining 1

Yeas:

Senators:

Barron, Bedford, Butler, Clay, Denton, Freeman, Ghee, Lindsey, McClain, Mitchell, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom-16

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Dixon, Hill, Lipscomb, Little, and Myers - 9

Abstaining: Senator Figures - 1

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 150. COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Mobile's McGill-Toolen Girls Golf Team for winning the 1995 State Championship; and

WHEREAS, the extraordinary Lady Jackets, whose record this year was 44 wins and 0 losses, soundly defeated other opponents by an astounding 60 strokes to win the state title for the second consecutive year, and for five out of the past six years; and

WHEREAS, undefeated in Alabama for the second year in a row, the McGill-Toolen Girls Golf Team has also been victorious in the Miracle Strip Golf Classic by 31 strokes, the Fort Payne Invitational by 38 strokes, and has won each match by an average of an astounding 34 strokes; and

**10th Day**

WHEREAS, these girls, who are expertly directed by Coach Tom Buhring, and who deserve special recognition for their tremendous accomplishments and performance as a McGill-Toolen Lady Jacket are: seniors Leslie Brislin and Amanda Mize, who received all-county honors, and juniors Leigh Ankerson and Tricia Burch, who received all-county and all-state honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the McGill-Toolen Girls Golf Team, the 1995 state champions, and furthermore direct that copies of this resolution be provided as evidence of our pride and esteem.

And on motion of Senator Lindsey, said Resolution, HJR 150, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 147. COMMENDING DIANNE DAVIS MCWAIN OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the selection of Dianne Davis McWain of Saraland, Alabama as 1995 Alabama Elementary Counselor of the Year and 1995 National Elementary School Counselor of the Year; and

WHEREAS, Mrs. McWain, as guidance counselor at Robert E. Lee Elementary School, Grades K-5, since 1990, has demonstrated exemplary commitment to students, parents, teachers, the community, and to her profession; and

WHEREAS, in her care and concern for the well-being of her young students, she has endeavored to assist them in developing to their maximum potential, and to equip them with the skills to enable them to become well adjusted, contributing members of society; and

WHEREAS, to this end, she has implemented and coordinated a number of successful programs and projects, including Partners in Education, Honor Assemblies, "Terrific Kid," and the Extended Day Program, among others; and

WHEREAS, as a dedicated professional, Mrs. McWain has provided leadership and service in numerous areas in such capacities as committee member, coordinator, consultant, advisor, and representative on local, state and national levels, and has received a number of accolades and awards for her contributions and accomplishments; and

WHEREAS, in her position as president of the Alabama School Counselors Association, Mrs. McWain has worked diligently to keep members abreast of new information, techniques and trends; to provide programs and opportunities for members so that they may better serve their clients; and to increase professionalism in the association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and upon her selection as 1995 Alabama Elementary Counselor of the Year, and 1995 National Elementary School Counselor of the Year, we hereby most highly commend Dianne Davis McWain of Saraland, Alabama, and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

And on motion of Senator Lindsey, said Resolution, HJR 147, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 146. EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.**

WHEREAS, Amtrak is energy efficient and environmentally beneficial, consuming about half as much energy per passenger mile as airlines, and causing less air pollution; and

WHEREAS, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus services, as well as to those senior citizens, disabled people, students, and persons with medical conditions preventing them from flying who need trains as a travel option; and

WHEREAS, Amtrak is nine times safer than driving on a passenger-mile basis, and operates even in severe weather conditions; and

WHEREAS, Amtrak travel rose 48% from 1982 to 1993, and dramatically improved coverage of its operating costs from revenues; and

WHEREAS, expansion of Amtrak service by using existing rail rights-of-way would cost less and use less land than new highways and airports, and would further increase Amtrak's energy-efficiency advantage; and

WHEREAS, federal investment in Amtrak has fallen in the last decade while it has risen for airports and highways; and

WHEREAS, states may use highway trust fund money as an 80% federal match for a variety of non-highway programs, but they are prohibited from using such monies for Amtrak projects; and

WHEREAS, Amtrak pays a fuel tax that airlines do not pay; and

WHEREAS, Amtrak workers and vendors pay more in taxes than the federal government invests in Amtrak; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the President and the Congress to take the following steps:

That Federal funding of Amtrak not be reduced;

That Amtrak be exempted from paying fuel taxes as are airlines;

That states be given the flexibility to use federal highway trust fund monies on Amtrak projects if they so choose; and

That federal officials include a strong Amtrak system in any plans for a National Transportation System.

And on motion of Senator Lindsey, said Resolution, HJR 146, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**SJR 50.** EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

WHEREAS, Amtrak is energy efficient and environmentally beneficial, consuming about half as much energy per passenger mile as airlines, and causing less air pollution; and



WHEREAS, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus services, as well as to those senior citizens, disabled people, students, and persons with medical conditions preventing them from flying who need trains as a travel option; and

WHEREAS, Amtrak is nine times safer than driving on a passenger-mile basis, and operates even in severe weather conditions; and

WHEREAS, Amtrak travel rose 48% from 1982 to 1993, and dramatically improved coverage of its operating costs from revenues; and

WHEREAS, expansion of Amtrak service by using existing rail rights-of-way would cost less and use less land than new highways and airports, and would further increase Amtrak's energy-efficiency advantage; and

WHEREAS, federal investment in Amtrak has fallen in the last decade while it has risen for airports and highways; and

WHEREAS, states may use highway trust fund money as an 80% federal match for a variety of non-highway programs, but they are prohibited from using such monies for Amtrak projects; and

WHEREAS, Amtrak pays a fuel tax that airlines do not pay; and

WHEREAS, Amtrak workers and vendors pay more in taxes than the federal government invests in Amtrak; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the President and the Congress to take the following steps:

That Federal funding of Amtrak not be reduced;

That Amtrak be exempted from paying fuel taxes as are airlines;

That states be given the flexibility to use federal highway trust fund monies on Amtrak projects if they so choose; and

That federal officials include a strong Amtrak system in any plans for a National Transportation System.

And on motion of Senator Lindsey, said Resolution, SJR 50, was adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 149. COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.**

WHEREAS, it is with great pleasure and pride that the Alabama Legislature recognizes Dr. Norma Rogers, who is departing as Superintendent of Education of Shelby County after many years of distinguished service to the educational system of Alabama; and

WHEREAS, Dr. Rogers has a prestigious and extensive career as an educator serving as a teacher at Chelsea School, a teacher, counselor, then principal of Valley Elementary School, a consultant of the State Department of Education Leadership and Management Improvement Program--Public Relations/Stress Management, and an evaluator for the National Diffusion Network, U.S. Department of Education Washington, D.C.; and

WHEREAS, Dr. Rogers received a Bachelor's degree from the University of Montevallo, a Master's degree from Samford University, an Associate degree from the University of Alabama at Birmingham, a Ph. D from the University of Alabama, and has additionally pursued post graduate work at other notable universities; and

WHEREAS, a native of Chelsea, Alabama, residing in the Indian Springs area of Shelby County, Alabama, Dr. Norma Rogers is the devoted wife of Dr. Robert Rogers, and they are the proud parents of one son, Mike; and

WHEREAS, Dr. Norma Rogers is well deserving of this sincere praise due to her invaluable contributions and unwavering commitment to the countless students she has touched and inspired; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING,** That we hereby accord highest commendation to Dr. Norma Rogers, the Superintendent of Education of Shelby County, in tribute to her tremendous service to the education system of Alabama, and we do furthermore direct that a copy of this resolution be presented as evidence of our appreciation and esteem.

And on motion of Senator Waggoner, said Resolution, HJR 149, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 71. DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby charge that neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of that state or political subdivision, to levy or increase taxes.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the members of the United States Supreme Court.

And on motion of Senator Waggoner, said Resolution, HJR 71, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 72. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.**

WHEREAS, the 10th Amendment of the Constitution of the United States reads as follows:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”; and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

**10th Day**

WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by various states without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the state; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama hereby claims sovereignty under the 10th Amendment of the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

BE IT FURTHER RESOLVED, That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

RESOLVED FURTHER, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's Legislature of the United States of America, and Alabama's Congressional Delegation.

And on motion of Senator Waggoner, said Resolution, HJR 72, was concurred in and adopted by the Senate.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 69. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bill

shall be the paramount and continuing order of business upon reaching bills on third reading for the Tenth legislative day of the 1995 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

**S. 265**

Page  
43

Fair Campaign Practices Act, campaign contribs. during cert. periods prohib., political committees req. to pay annual fee and file report with Sec. of St., Secs. 17-22A-2 thru 17-22A-5, 17-22A-7 thru 17-22A-9, 17-22A-11, 17-22A-21 am'd.

On motion of Senator Lindsey, the Resolution was adopted by the Senate.

**MOTION IN WRITING**

Senator Clay offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Notice having been given on a previous Legislative Day, motion is hereby made to amend the Senate Rules as follows:

Amend Senate Rule 2 by deleting the rule in its entirety and inserting in lieu thereof the following:

“RULE 2. Unless it is otherwise specifically provided for by resolution or motion, the Senate shall meet at 10 a.m., except on the first meeting day of the week, when the Senate shall convene at 2 p.m.; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.”

Which was read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

Senator Langford offered the following Senate Joint Resolution, to-wit:

**SJR 70. HONORING THE MONTGOMERY HOUSING AUTHORITY YELLOW JACKETS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with utmost pride and pleasure that the Alabama

Legislature honors the Montgomery Housing Authority Basketball Team for tremendous accomplishment throughout the season; and

WHEREAS, the Yellow Jackets prevailed victorious even after losing one hard-fought game in triple overtime in the semi-finals, winning the Alabama Public Housing Basketball Tournament for the third straight year, and ending the season with a spectacular three-year record of 79 wins and one loss; and

WHEREAS, the MHA Yellow Jackets furthermore won a Round Robin Tournament against the top two teams of Kentucky, and again took two games from them in the return challenge on May 20, 1995, at Lanier High School Gymnasium; and

WHEREAS, the leaders of the Yellow Jackets are Coaches James Hall and Sampson Cotton, and Assistant Coaches Terrance Curry and Douglas Hall, and the team members are: Leon Crawford, Rodriqious Davis, Alonzo Hill, DeWayne Howard, Takeo Jackson, Manuel Nelson, Carlos Jenkins, Terrance Pettway, Evans Robinson, Jimmy Sankey, Quinton Wilkins, and Lee Wood; and

WHEREAS, on May 18, 1995, all these men were honored at the State and National Champions HUD's Youth Sports Award Ceremony given by the MHA in tribute to their hard work, dedication, discipline, and integrity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the Montgomery Housing Authority Yellow Jackets Basketball Team for outstanding achievements, and do furthermore direct that copies of this resolution be provided as evidence of our pride and esteem.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 71. HONORING JAY WAGGONER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with great pride and pleasure that the Alabama

Legislature recognizes Jay Waggoner of Birmingham, Alabama, as the recipient of the Cliff Hare Award which honors that Auburn University athlete who, in addition to athletic and scholastic achievement, exhibits in great degree the qualities of leadership, integrity, and courage; and

WHEREAS, Jay Waggoner, who is in his 4th season as an Auburn University baseball player, is indeed well deserving of the prestigious honor which is the highest award an Auburn athlete can receive; and

WHEREAS, named as pre-season All-America by Mizunol Collegiate Baseball, and first team Smith Super Team by the National Collegiate Baseball Writer's Association, Jay Waggoner ended the 1994 season by setting a new SEC record of 119 hits, and a single-season school record for at bats; earned first team all SEC after finishing third in the league with a .409 batting average; and furthermore entered his senior season third on Auburn's career hit list, among other accomplishments too numerous to mention; and

WHEREAS, a civil engineer major, Jay Waggoner has been a member of the SEC Academic Honor Roll and tied an NCAA record with three hits in one inning; and

WHEREAS, a native of Birmingham, Alabama, and graduate of Vestavia Hills High School, Jay is the devoted son of our dear friend and colleague The Honorable J. T. Waggoner and his wife, Marilyn; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Auburn's Jay Waggoner, the recipient of the prestigious Cliff Hare Award, in honor of his outstanding accomplishments both on and off the baseball field.

BE IT FURTHER RESOLVED, That a copy of this resolution of sincere praise be presented to Jay as evidence of our pride and esteem.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Davidson, Biddle, Waggoner, Amari, Armistead, Smitherman, McClain, Adams, Bailey, Barron, Bedford, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Rob-

erts, Sanders, Smith, Steele, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 72. RENAMING I-459 IN JEFFERSON COUNTY THE JOHN M. HARBERT FREEWAY.**

WHEREAS, the death of John Murdoch Harbert, III, on March 31, 1995, at the age of 73 years, has indeed left an unfathomable void in the life of the Birmingham community, but his stature and reputation as a man, his accomplishments as a businessman of legendary proportions, and his magnanimous and benevolent contributions to the Birmingham community and to his fellowman remain as a lasting legacy to the visionary entrepreneur who founded the Birmingham-based Harbert Corporation, one of the nation's largest and world renowned private construction companies; and

WHEREAS, Mr. Harbert was instrumental in the construction of many of the buildings which grace and embellish the landscape and skyline of Birmingham today, including the AmSouth Harbert Plaza, the SouthTrust Bank Tower, Riverchase Galleria and, of course, the Harbert Center; and

WHEREAS, he also gave generously in leadership and philanthropic support of numerous civic and charitable organizations and endeavors, including the Alabama School of Fine Arts, the Boy Scouts of America, the Eye Foundation Hospital, AmSouth Bank, Auburn University, and the University of Alabama at Birmingham, to name but a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as a lasting tribute and memorial to his immeasurable contributions toward the betterment and well-being of the Birmingham community, we hereby direct that I-459, encircling the city of Birmingham in Jefferson County, be renamed the John M. Harbert Freeway.

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating said John M. Harbert Freeway.

On motion of Senator Davidson, the Rules were suspended and the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Ghee, B.I.R., SB 265, adopted.

Yeas 27 Nays 0



Yeas:

Senators:

Adams, Amari, Armistead, Bedford, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

### **SPECIAL ORDER BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

**S. 265.** Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; and to make an appropriation.

The Standing Committee on Constitution, Campaign Finance, Ethics, and Elections reported the following substitute for the Bill, SB 265, to-wit:

### **SUBSTITUTE FOR SB 265**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to prescribe penalties for violations of this act; and to make an appropriation.

On motion of Senator Ghee, said substitute was laid on the table.

Senators Figures, Ghee, and Bedford offered the following substitute for the Bill, SB 265, to-wit:

## SUBSTITUTE FOR SB 265

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to prescribe penalties for violations of this act; and to make an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, are amended to read as follows:

“§17-22A-2.

“For purposes of this chapter, ~~unless a different meaning clearly appears in the context~~, the following terms shall have the following meanings ~~ascribed in this section~~:

“(1) CANDIDATE. An individual who has done any of the following:

“a. Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office or in the case of an independent seeking ballot access, on the date when he or she files a petition with the ~~probate judge of probate~~ in the case of county offices or the secretary of state in all other cases; ~~or,~~

“b. Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to any state office or local office. ~~Provided, however, that~~ Notwithstanding the foregoing, no person shall be considered a candidate within the meaning of this subdivision until ~~such the~~ time as he or she has either received contributions or expenditures as provided herein in the following amounts:

“1. ~~Ten~~ Twenty-five thousand dollars (\$25,000) or more, with a

view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state;

"2. ~~Three~~ Five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to any state office, excluding legislative office, filled by election of the registered voters of any circuit or district; ~~and~~.

"3. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to the Alabama Legislature.

~~"3. 4. One~~ Five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to any local office.

"(2) CONTRIBUTION.

"a. The following shall be considered ~~contributions~~ a contribution:

"1. A gift, subscription, loan, advance, deposit of money, a thing or anything of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election; including contributions made by or on behalf of a candidate, political committee, or political party to encourage individuals to register to vote or to vote.

"2. A contract or agreement to make a gift, subscription, loan, advance, ~~or~~ deposit of money, or thing anything of value for the purpose of influencing the result of an election;

"3. Any transfer of a thing anything of value received by a political committee from another political committee, political party, or other source; ~~or~~.

"4. The payment of compensation by any person for the personal services or expenses of any other person if ~~such those~~ services are rendered or expenses incurred on behalf of a candidate, political committee, or political party without payment of full and adequate compensation by such the candidate, political committee, or political party. ~~Provided, however, that~~ Notwithstanding the foregoing, the payment of compensation by a corporation for the purpose of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund as permitted by section 10-1-2, shall not constitute a contribution.

"5. The offer or promise of a contribution as contribution is defined in this act.

## 10th Day

~~"b. The term "contribution" does not include: The following shall not be considered a contribution:~~

"1. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;.

"2. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual's residential or business premises for election-related activities;.

"3. The sale of any food or beverage by a vendor for use in ~~an~~ election ~~a~~ campaign at a charge to a candidate or political committee less than the normal comparable charge, if ~~such that~~ charge to the political committee for use in ~~an election the~~ campaign is at least equal to the cost of ~~such the~~ food or beverage to the vendor;.

"4. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers personal services to a candidate or political committee; ~~or.~~

~~"5. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.~~

"6. 5. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless ~~such the~~ information was compiled with the advance knowledge of and approval of the candidate or the political committee.

"(3) ELECTION. Unless otherwise specified, any general, special, primary, or runoff election, or any convention or caucus of a political party held to nominate a candidate, or any election at which a constitutional amendment or other proposition is submitted to the popular vote.

"(4) EXPENDITURE.

"a. The following shall be considered ~~expenditures~~ an expenditure:

"1. A purchase, payment, distribution, loan, advance, deposit, ~~or~~ gift of money, ~~or thing anything~~ of value, made for the purpose of influencing the result of an election;.

"2. A contract or agreement to make any purchase, payment, distribution, loan, advance, deposit, ~~or~~ gift of money, ~~or thing anything~~ of value, for the purpose of influencing the result of an election; ~~or including expenditures made by or on behalf of a candidate, political committee, or political party to encourage individuals to register to vote or to vote.~~

"3. The transfer, gift, or contribution of funds of a political committee to another political committee.

"b. The term "expenditure" ~~does not include~~ following shall not be considered an expenditure:

"1. Any news story, commentary, or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless ~~such those~~ facilities are owned or controlled by any political party or political committee;.

"2. Nonpartisan activity designed to encourage individuals to register to vote, or to vote;.

"3. Any communication by any membership organization to its members or by a corporation to its stockholders and employees if ~~such the~~ membership organization or corporation is not organized primarily for the purpose of influencing the result of an election;.

"4. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential or business premises for election-related activities;.

"5. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee;.

"6. Any communication by ~~any a~~ person which is not made for the purposes of influencing the result of an election; ~~or.~~

~~"7. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for~~

~~which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.~~

“7. Promotional items generally distributed to the general public or to public officers and food and beverages.

“(5) IDENTIFICATION. The full name and complete address. For purposes of the broadcast media, identification shall only be the full name.

“(6) LOAN. A transfer of money, property, or ~~thing~~ anything of value in consideration of a promise or obligation, conditional or not, to repay in whole or part.

“(7) LOCAL OFFICE. Any office under the constitution and laws of the state, except circuit, district, or legislative offices, filled ~~by~~ at an election ~~of by~~ the registered voters of a single county or municipality, or by the voters of a division contained within a county or municipality.

“(8) PERSON. An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

“(9) POLITICAL COMMITTEE. Any ~~national, state, or local~~ political committee, including any political committee organized pursuant to Title 10 of the Code of Alabama 1975, club, association, principal campaign committee, political party, or other group of one or more persons which receives or anticipates receiving contributions or makes or anticipates making expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee or other political committee. For the purposes of this chapter an individual who makes a personal political contribution (other than a candidate who makes a contribution to himself or herself), shall not be considered a political committee. The names of all political committees shall include the name of, and no other name than, the entity which or person who caused the political committee to be created.

“(10) POLITICAL PARTY. Any political party or on-going membership organization whose stated purpose, in whole or in part, is to carry out the goals, functions, and objectives of a political party, including, but not limited to, supporting any or all candidates of a political party, and encouraging voter registration, participation, and education.

~~“(10)~~ (11) PRINCIPAL CAMPAIGN COMMITTEE. The principal campaign committee designated by a candidate under section 17-22A-4. A political committee established primarily to benefit an individual candidate or an ~~individual~~ elected official shall be considered a principal campaign committee for purposes of this chapter.

“(12) PROHIBITED PERIOD. Any time other than during the period between 12 months before an election in which the person intends to be a candidate. If the candidate has a debt arising from the campaign, the candidate may also solicit contributions until the debt is extinguished after the election in which the person was a candidate, but only to the extent of any campaign debt of the candidate or the principal campaign committee of the candidate as indicated on a campaign financial disclosure form or to the extent of reaching the threshold that is required for qualification as a candidate for the office which he or she currently holds. The provision of this section dealing with the campaign debt of the candidates or the principal campaign committee of the candidate shall not apply to any prior candidate or current elected official who files a verified statement of such debt with the Secretary of State on or before the effective date of this act. Said debt must have been created on or before January 1, 1995, and shall be directly related to lawful campaign expenditures. Provided, however, any candidate or elected official whose election is challenged including quo warranto challenges may then accept, solicit, and receive campaign contributions for the purpose of paying all expenses associated with the election challenge.

“Notwithstanding the foregoing, a candidate, public official, or principal campaign committee may accept campaign contributions at any time when those contributions do not exceed the threshold for a candidate, pursuant to Section 17-22A-2(1) provided, however, that no more than the threshold amount may be raised during the term of office other than during 12 months preceding the election for that office.

~~“(11)~~ (13) PROPOSITION. Any proposal for submission to the general public for its approval or rejection, including proposed as well as qualified ballot questions.

~~“(12)~~ (14) STATE. The state of Alabama.

~~“(13)~~ (15) STATE OFFICE. All offices under the constitution and laws of the state filled by election of the registered voters of the state, or of any circuit or district and shall include legislative offices.

“(16) THING OF VALUE. a. Any gift, benefit, favor, service, gratuity, special discount, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

“b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

“1. Campaign contribution as defined in Section 17-22A-2.

“2. Seasonal gifts of an insignificant economical value of less than one hundred dollars (\$100) if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars (\$250) during any one calendar year.

“3. Hospitality extended to a public official, public employee, and his or her respective household as a social occasion in the form of food and beverages where the representative of the sponsoring organization is present, lodging in the continental United States and Alaska incidental to the social occasion, and tickets to social or sporting events if the hospitality does not extend beyond three consecutive days and is not continuous in nature and the aggregate value of such hospitality in excess of two hundred fifty dollars (\$250) within a calendar day is reported by a representative of the sponsoring organization. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

“4. Reasonable transportation, food and beverages where the representative of the sponsoring organization is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, or for speaking engagements, together with any hospitality associated therewith; provided, that such hospitality in which the public official actually participates is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported by a representative of the sponsoring organization. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

“5. Promotional items commonly distributed to the general public and food or beverages of a nominal value.

“c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child,



sibling, parent, grandparent, uncle, aunt, or other relatives of the public official or public employee.

“d. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public employee or public official.”

“§17-22A-3.

“(a) Every political committee shall have a ~~chairman~~ chair and a treasurer. Where required, the treasurer shall register the political committee with the Secretary of State.

“(b) All funds of a political committee shall be segregated from, and shall not be commingled with, any personal funds of officers, members, or associates of ~~such the political~~ committee.

“(c) ~~It shall be the duty of the~~ The treasurer of a political committee ~~to shall~~ keep a detailed, exact account of the following:

“(1) All contributions made to or for ~~such the~~ political committee;

“(2) All expenditures made by or on behalf of ~~such the political committee;~~ and,

“(3) The identification of every person to whom an expenditure is made, the date and amount thereof, and the name of each candidate on whose behalf ~~such the~~ expenditure was made or a designation of the election proposition the result of which the political committee will attempt to influence by making expenditures or receiving contributions.

“(d) ~~It shall be the duty of the~~ The treasurer ~~to shall~~ obtain and keep a receipted bill or cancelled check, stating the particulars for every expenditure made by or on behalf of a political committee greater than \$100.00 one hundred dollars (\$100), and for any such expenditure in a lesser amount, if the aggregate amount of such the expenditures to the same person during a calendar year is greater than \$100.00 one hundred dollars (\$100). Provided, however, the The treasurer of a political committee other than a principal campaign committee shall not be required under this chapter to report any expenditure not related to political contributions or expenditures or made as an administrative expense. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of two years from the date of ~~any such the~~ expenditure.”

“§17-22A-4.

"Within ~~five~~ 10 days after any person becomes a candidate for office, ~~such the~~ person shall file with the secretary of state or judge of probate, as provided in section 17-22A-9, a statement showing the name of not less than two nor more than five persons elected to serve as the principal campaign committee for ~~such the~~ candidate, together with a written acceptance or consent by ~~such the~~ committee, ~~but Notwithstanding the foregoing,~~ any candidate may declare himself or herself as the person chosen to serve as the principal campaign committee, ~~in which and in that~~ case ~~such the~~ candidate shall perform the duties of ~~chairman~~ chair and treasurer of ~~such the principal campaign~~ committee prescribed by this chapter. If any ~~vacancies be~~ vacancy is created by death or resignation or any other cause, ~~such the~~ candidate may fill ~~such the~~ vacancy, or the remaining members shall discharge and complete the duties required of ~~such the~~ committee as if ~~such the~~ vacancy had not been created. The principal campaign committee, or its treasurer, shall have exclusive custody of all moneys contributed, donated, subscribed, or in any manner furnished to or for the candidate represented by ~~such the~~ committee, and shall account for and disburse the ~~same moneys~~. No candidate shall expend any money in aid of his or her nomination or election except by contributing to the principal campaign committee designated by the candidate ~~as aforesaid~~."

"§17-22A-5.

"(a) Each political committee, other than a principal campaign committee, which anticipates either receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000) shall file with the secretary of state ~~or the judge of probate~~ as ~~herein~~ provided in section 17-22A-9, a statement of organization, within 10 days after its organization or, if later within 10 days after the date on which it has information which causes the political committee to anticipate it will receive contributions or make expenditures in an aggregate amount in excess of ~~\$1,000.00~~ one thousand dollars (\$1,000). ~~Each such committee in existence at the date of enactment of this chapter shall file a statement of organization within 60 days after the effective date of this chapter.~~

"(b) The statement of organization shall include all of the following:

"(1) The name and complete address of the political committee;.

"(2) The identification of any affiliated or connected organizations; ~~if any;~~.

"(3) The purposes of the political committee;.

“(4) The identification of the ~~chairman~~ chair and treasurer;.

“(5) The identification of principal officers, including members of any finance committee;.

“(6) A description of the constitutional amendments or other propositions, if any, that the political committee is supporting or opposing, and the identity, if known, of any candidate or elected official that the political committee is supporting or opposing;.

“(7) A statement whether the political committee is a continuing one, and if not, the expected termination or dissolution date; ~~and~~.

“(8) The disposition of residual funds which will be made in the event of dissolution.

“(c) Any material change in information previously submitted in a statement of organization, except for the information described in subdivision (6) above, shall be reported to the secretary of state or judge of probate as provided in section 17-22A-9, within 10 days following the change.

“(d) A political committee, including a principal campaign committee, after having filed its initial statement of organization, shall continue in existence until terminated or dissolved as provided herein. When any political committee, other than a principal campaign committee, determines it will no longer receive contributions or make expenditures during any calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000), or when any candidate through his or her principal campaign committee determines that he or she will not receive contributions or make expenditures in the amounts specified in section 17-22A-2(1)b, the ~~chairman~~ chair or treasurer of ~~such the~~ the political committee ~~may so~~ shall notify the secretary of state or judge of probate, as designated in section 17-22A-9, of the termination or dissolution of ~~such the~~ the political committee. ~~Such~~ The notice shall contain a statement by the treasurer of ~~such the~~ the political committee of the intended disposition of any residual funds then held by the political committee on behalf of a candidate.

“(e)(1) Political committees, except principal campaign committees and state and county political party executive committees, but including national political committees which contribute to candidates for state and local office in this state or to causes in this state formed and registered after the effective date of the act adding this subsection and any organization formed and registered to receive contributions or make expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee, or other political committee shall file an initial one hun-

dred dollar (\$100) registration fee with the Office of the Secretary of State. In addition, all new and existing political committees, except principal campaign committees and state and county political party executive committees, shall annually pay a one hundred dollar (\$100) registration fee by January 31 of each year with the Office of the Secretary of State. Upon payment of the initial annual registration fee, the Office of the Secretary of State shall issue a certification number and a certificate of operation to each political committee to authorize the political committee to participate in elections for the designated year. The certificate of operation shall be renewed by the Office of the Secretary of State by January 31 of each year.

“(2) In the event the annual fee is not paid on or prior to January 31 of each year, the Secretary of State shall give a written notice of delinquency to the last known address of the political committee or its chair and treasurer. The failure of the political committee to pay the initial or annual fee within 25 days after the date the notice of delinquency is mailed shall result in the automatic revocation of the certificate of operation of the national, state, or local political committee and in the automatic dissolution of the state or local political committee.

“(3) Ninety percent of the fees collected by the Secretary of State shall be deposited into the State General Fund.

“(4) There is created in the State Treasury a special fund known and designated as the Political Committee Filing Fee Fund. The remaining 10 percent of the fees collected by the Secretary of State shall be deposited into the Political Committee Filing Fee Fund, to be used by the Secretary of State to offset the costs associated with the performance of the duties required under this section. Money deposited into this fund shall not revert to the State General Fund at the end of the fiscal year, but shall remain available for expenditure for the purposes provided herein subject to approval by the Legislature. The expenditure of these funds shall be in accordance with Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive.”

“§17-22A-7.

“(a) Amounts received by a principal campaign committee as contributions and any proceeds from investing ~~such~~ those contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by ~~such~~ the principal campaign committee, may be used by the candidate to defray any ordinary and necessary expenses, as defined in subsections (a), (b), and (e)(1) of Section 162 of Title 26 of U. S. Code, as it existed on May 5, 1993, incurred by him or her in connection with his or her duties as a holder of office, may be contributed by him or her to any

## 10th Day

organization described in section 170(c), section 501(c), or any other charitable, educational, or eleemosynary cause of Title 26 of U.S. Code, ~~may be transferred to another political committee~~, or may be deposited into the State General Fund or the Alabama Special Educational Trust Fund or any department or agency therein funded. Contributions to an office holder shall not be converted to personal use. For purposes of this ~~act~~ section, personal use shall not include room, telephones, office expenses and equipment, housing rental, meals, and travel expenses incurred in connection with the duties as a holder of office.

“(b) Candidates for state or local offices and their principal campaign committees designated in the statement filed with the Secretary of State pursuant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, ~~may shall~~ not solicit or accept, or both, contributions during ~~the period when the Legislature is convened in session. For the purposes of this section, the Legislature is considered convened in session at any time from the opening day of the special or regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor a prohibited period.~~

“(c) No lobbyist registered pursuant to Section 36-25-18 may serve as a campaign chair or treasurer for a candidate for a state or local office.

“(d) When a candidate, or the candidate’s principal campaign committee, solicits and accepts campaign contributions in expectation of seeking a state or local office, and the candidate subsequently does not qualify for the next election for that particular office, then the candidate and the principal campaign committee of the candidate may use the funds for any other office the candidate qualified for in the same election year.”

“§17-22A-8.

“(a) The treasurer of each principal campaign committee ~~or other political committee~~ shall file with the secretary of state or judge of probate, and the treasurer of other political committees shall file with the Secretary of State, as designated in section 17-22A-9, reports of contributions and expenditures at the following times in any year in which an election is held:

“(1) ~~Forty-five~~ Between 50 and 45 days before and between 10 and five days before the date of any election for which a political committee receives contributions or makes expenditures with a view toward influencing ~~such~~ the election’s result.”

~~“(2) Provided, however, that~~ Notwithstanding subdivision (1), a report shall not be required except between five and 10 days before a run-off election.

“(b) All candidates, political committees, and elected state and local officials covered under ~~the provisions of this chapter,~~ shall annually file with the secretary of state or judge of probate, as designated in section 17-22A-9, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before January 31 of the succeeding year. A person who fails to fulfill any disclosure requirements of this subsection or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

“(c) Each report under this section shall disclose all of the following:

“(1) The amount of cash or other assets on hand at the beginning of the reporting period; ~~provided, however, that the initial report required by this chapter shall include cash and assets acquired from the date of July 1, 1988, and forward until the end of that reporting period and disbursements made from same.;~~

“(2) The identification of each person who has made contributions to ~~such the political~~ committee or candidate within the calendar year in an aggregate amount greater than ~~\$100.00~~ one hundred dollars (\$100), together with the amount and date of all ~~such~~ contributions; ~~provided, however, in. In~~ the case of a political committee, other than a principal campaign committee, identification shall mean the name and city of residence of each person and name of each political committee who has made contributions within the calendar year in an aggregate amount greater than ~~\$100.00;~~ one hundred dollars (\$100).

“(3) The total amount of other contributions received during the calendar year but not reported under subdivision (c)(2) ~~of this section.;~~

“(4) Each loan to or from any person within the calendar year in an aggregate amount greater than ~~\$100.00~~ one hundred dollars (\$100), together with the identification of the lender, the identification of ~~the any~~ endorsers, ~~or guarantors, if any,~~ and the date and amount of ~~such the~~ loans.;

“(5) The total amount of receipts from any other source during ~~such the~~ calendar year including, without limitation, interest on campaign accounts and a thing of value.;

“(6) The grand total of all receipts by or for ~~such the~~ committee during the calendar year;.

“(7) The identification of each person to whom expenditures have been made by or on behalf of ~~such the political~~ committee or elected official within the calendar year in an aggregate amount greater than ~~\$100.00~~ one hundred dollars (\$100), the amount, date, and purpose of each ~~such~~ expenditure, and, if applicable, the designation of each constitutional amendment or other proposition with respect to which an expenditure was made;.

“(8) The identification of each person to whom an expenditure for personal services, salaries, and reimbursed expenses greater than ~~\$100.00~~ one hundred dollars (\$100) has been made, and which is not otherwise reported or exempted from ~~the provisions of~~ this chapter, including the amount, date, and purpose of ~~such the~~ expenditure;.

“(9) The ~~grand~~ total of all expenditures made by ~~such the political~~ committee or elected official during the calendar year; ~~and~~.

“(10) The amount and nature of debts and obligations owed by or to the political committee or elected official, together with a statement as to the circumstances and conditions under which any ~~such~~ debt or obligation was extinguished and the consideration therefor.

“(d) Political committees that file reports under federal election statutes may file a copy of the federal report in lieu of the report required by this section.

“(e) Contributions to any candidate, elected official, or principal campaign committee participating in each election as defined in this section, whose name, issue, or proposition appears on the ballot, shall be limited to the following:

“(1) Political committees: fifteen thousand dollars (\$15,000) per candidate, per calendar year.

“(2) Individual contributions: five thousand dollars (\$5,000) per candidate, per calendar year.

“(3) Corporation; limited liability company; political committee of a business association, commercial or industrial association which is organized as a nonprofit corporation under Alabama law: one thousand dollars (\$1,000) per candidate, per calendar year.

“(4) Partnerships (in addition to (2) above): one thousand (\$1,000) per candidate, per calendar year.

“(5) Candidates or elected officials to another candidate or elected official: one thousand (\$1,000) per candidate, per calendar year.

“(6) Principal campaign committee to another principal campaign committee; fifteen thousand dollars (\$15,000) per principal campaign committee, per calendar year.

“(7) Lobbyists; five hundred dollars (\$500) per candidate, per calendar year.

“(f) All candidates, elected officials, and political committees shall abide by these limitations in subsection (e).

“(g) A political committee may not make contributions to any other political committee.

~~“(d) (h) Each report required by this section shall be signed and filed by the elected official or on behalf of the political committee by its chairman chair or treasurer and, if filed on behalf of a principal campaign committee, by the candidate represented by such the committee. There shall be attached to each such report an affidavit subscribed and sworn to by the elected official, or chairman chair, or treasurer and, if filed by a principal campaign committee, the candidate represented by such the principal campaign committee, setting forth in substance that such the report is to the best of his or her knowledge and belief in all respects true and complete, and, if made by a candidate, that he or she has not received any contributions or made any expenditures which are not set forth and covered by such the report.”~~

“§17-22A-9.

“(a) All statements and reports required of principal campaign committees under the provisions of this chapter shall be filed with the secretary of state in the case of candidates for state office or state elected officials, and in the case of candidates for local office or local elected officials, with the judge of probate of the county in which the office is sought.

“(b) Political committees, except principal campaign committees, which seek to influence an election for state or local office or to influence a proposition, ~~regarding a single county~~, shall file all reports and statements with the ~~judge of probate of the county affected. All other political committees, except as provided in subsection (a) above, shall file reports and statements with the~~ secretary of state.”

“§17-22A-11.



“(a) All political committees, except principal campaign committees, shall file their statement of organization forms and subsequent financial disclosure reports with the Office of the Secretary of State. The Office of the Secretary of State shall within two working days after receipt of those reports provide copies of the statements filed by political committees to the judge of probate in the county in which the political committee was organized.”

“(b) The secretary of state and the judge of probate shall have the following duties:

“(1) ~~To accept~~ Accept and file all reports and statements ~~from principal campaign committees~~ required by ~~the provisions of~~ this chapter to be filed with them and ~~to accept~~ any information voluntarily supplied that exceeds the requirements of this chapter.”

“(2) ~~To make~~ Make each statement and report filed by a principal campaign committee, ~~or other~~ political committee, or elected official available for public inspection and copying during regular office hours, ~~any such.~~ The cost of copying to shall be at the expense of the person making copies.”, except that any information copied from ~~such the~~ reports or statements may not be sold or used by any political party or any political committee for ~~the purposes of~~ soliciting contributions or ~~for~~ commercial purposes, without the express written permission of the candidate or political committee reporting ~~such the~~ information.

“(3) ~~To furnish~~ Furnish any forms ~~to be~~ used in complying with ~~the provisions of~~ this chapter. The expenses incurred by the secretary of state in furnishing forms, accepting statements and reports, filing statements and reports, and making ~~such the~~ statements and reports available to the public shall be paid from moneys designated to the distribution of public documents.”

“§17-22A-12.

“Any paid political advertisement appearing in any print media or broadcast on any electronic media shall be clearly identified or marked as a paid advertisement. It shall be unlawful for any person, candidate, principal campaign committee or other political committee to broadcast, publish or circulate any campaign literature or political advertisement, without a notice appearing on the ~~face or front page of any~~ printed matter, or broadcast at the beginning or end of a radio or television spot, stating that the communication was a paid advertisement and giving the identification of the person, principal campaign committee or other political committee that paid for or otherwise authorized such communication.”

“§17-22A-18.

“(a) It shall be is unlawful for any person to make a contribution in the name of another person, or knowingly permit his or her name to be used to effect such a contribution made by one person in the name of another person, or for any candidate or political committee to knowingly accept a contribution made by one person in the name of another person; provided, however, that nothing in this chapter would prohibit any person from soliciting and receiving contributions from other persons for the purpose of making expenditures to a candidate, political committee, or elected state or local official required to file reports pursuant to section 17-22A-8. Beginning January 1, 1996, it shall also be unlawful for any political committee to transfer any contributions to any other political committee for any purpose other than to totally dissolve a political committee. Nothing in this chapter shall prohibit any candidate or principal campaign committee of a candidate, or any elected state or local official, from soliciting and receiving contributions from other persons or from other political committees for the benefit of the principal campaign committee of the candidate or official.

“(b) Beginning January 1, 1996, a candidate for a local or state office shall not accept a campaign contribution made to himself or herself for the office earlier than one year before the next primary election for nomination to the office unless otherwise provided in this act. At the time of filing a statement designating his or her principal campaign committee with the Secretary of State, the candidate shall also file a statement certifying that none of his or her contributions after the effective date of this act were received earlier than one year before the next primary election for nomination to the office.”

“§17-22A-21.

“A certificate of election or nomination shall not be issued to any person elected or nominated to state or local office who shall fail to file any statement or report required by this chapter. A certificate of election or nomination already issued to any person elected or nominated to state or county office who fails to file any statement or report required by this chapter shall be revoked.

“Any person elected or nominated to state or local office who fails to file or fails to file in a timely manner any statement or report required by this chapter shall be required to pay a late fee of one hundred dollars (\$100) or an amount equal to 10 percent of the total annual compensation, including salary, expense allowances, and other emoluments of the office, whichever is greater. This amount shall be deposited into the State General Fund. The Secretary of State, in the case of persons elected or nominated to state

office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. The judge of probate, in the case of persons elected or nominated to local office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. If the person elected or nominated to state or local office fails to pay the late fee or fails to file the required statement or report and the late fee within 10 days after receipt of the notification, the person elected or nominated to state or local office shall be assessed a penalty of two hundred dollars (\$200) or an amount equal to 10 percent of the total annual compensation, including salary, expense allowances, and other emoluments of the office, whichever is greater. Thereafter, if the report is not filed or the late fee paid, within 10 days after receipt of the notification that a fine has been assessed, the person shall be guilty of a Class A misdemeanor."

Section 2. A person who fails to fulfill any disclosure requirements of this chapter or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

Section 3. There is appropriated from the Political Committee Filing Fee Fund in the State Treasury to the Office of the Secretary of State the sum of one thousand dollars (\$1,000) for the fiscal year ending September 30, 1996, for the purpose of carrying out the registration and certification provisions in Section 17-22A-5, Code of Alabama 1975. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Office of the Secretary of State.

Section 4. This act shall become effective January 15, 1996, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

**10th Day**

Senator Dial offered the following amendment to the Bill, SB 265, as amended by the substitute, to-wit:

**DIAL AMENDMENT TO SB 265, AS AMENDED**

Amend SB 265, as amended by the substitute, Page 28 Lines 12 and 13, as follows:

Strike "\$15,000" and add "\$1,000"

Senator Bedford moved that said amendment be laid on the table, which motion was lost.

Yeas 10 Nays 23

Yeas:

Senators:

Bailey, Bedford, Biddle, Escott-Russell, Freeman, Langford, Lindsey, McClain, Smitherman, and Steele -10

Nays:

Senators:

Adams, Amari, Armistead, Barron, Butler, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom -23

Senator Figures offered the following amendment to the Dial amendment to the Bill, SB 265, as amended by the substitute, to-wit:

**FIGURES AMENDMENT TO DIAL AMENDMENT  
TO SB 265, AS AMENDED**

On page 28, line 12, delete the word "fifteen" and insert in lieu thereof:

"two"

On page 28, line 13, delete the language "(\$15,000)" and insert in lieu thereof:

"(\$2,000)"

Which was adopted.

And said Dial amendment, as thus amended, was then adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

Senator Mitchell offered the following amendment to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**MITCHELL AMENDMENT TO SB 265, AS AMENDED**

On page 12, line 4, delete the figure “12” and insert in lieu thereof:

“16”

On page 12, line 13, after the period, insert the following language:

“Prohibited period includes the period when the Legislature is convened in session unless otherwise provided in Section 17-22A-7.

On page 23, delete lines 7 to 21, inclusive, and on page 24, delete lines 1 and 2, in their entirety and insert in lieu thereof:

“(b) Candidates for state or local offices and their principal campaign committees designated in the statement filed with the Secretary of State pursuant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, ~~may~~ shall not solicit or accept, or both, contributions during a prohibited period or during the period when the Legislature is convened in session. For the purposes of this section, the Legislature is considered convened in session at any time from the opening day of the special or regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor.

On motion of Senator Freeman, said amendment was laid on the table.

Senator Mitchell offered the following amendment No. 2 to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**MITCHELL AMENDMENT NO. 2  
TO SB 265, AS AMENDED**

On page 12, line 4, delete the figure “12” and insert in lieu thereof:

“16”

On page 12, line 13, after the period, insert the following language:

“Prohibited period includes the period when the Legislature is convened in session unless otherwise provided in Section 17-22A-7.”

On page 23, delete lines 7 to 21, inclusive, in their entirety and insert in lieu thereof:

“(b) Candidates for state or local offices and their principal campaign committees designated in the statement filed with the Secretary of State pursuant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, ~~may~~ shall not solicit or accept, or both, contributions during a prohibited period or during the period when the Legislature is convened in session. For the purposes of this section, the Legislature is considered convened in session at any time from the opening day of the special or regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor.

Senator Dial offered the following amendment No. 2 to the Mitchell amendment No. 2 to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**DIAL AMENDMENT NO. 2 TO MITCHELL AMENDMENT NO. 2  
TO SB 265, AS AMENDED**

On page 12, line 13, after the period, insert the following language:

“Prohibited period includes the period when the Legislature is convened in session unless otherwise provided in Section 17-22A-7.”

On page 23, delete lines 7 to 21, inclusive, and on page 24, in their entirety and insert in lieu thereof:

“(b) Candidates for state offices and their principal campaign committees designated in the statement filed with the Secretary of State pursu-

REGULAR SESSION  
10th Day

593

ant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, ~~may~~ shall not solicit or accept, or both, contributions during a prohibited period or during the period when the Legislature is convened in session. For the purposes of this section, the Legislature is considered convened in session at any time from the opening day of the special or regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor.

Which was lost.

Yeas 0 Nays 33

Yeas: - 0

Nays:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

The question recurred on the Mitchell amendment No. 2 to the Bill, SB 265, as amended by the substitute, as amended.

Senator Little offered the following amendment to the Mitchell amendment No. 2 to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**LITTLE AMENDMENT TO MITCHELL AMENDMENT NO. 2  
TO SB 265, AS AMENDED**

Amend Mitchell amendment No. 2 to SB 265, as amended by the substitute, as amended, Page 1 Line 10-12, as follows

Delete said lines

Senator Freeman moved that said amendment be laid on the table, which motion was lost.

Yeas 6 Nays 24

Yeas:

Senators:

Bedford, Butler, Clay, Freeman, Lindsey, and Poole

- 6

Nays:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Davidson, Denton, Dial, Dixon, Ghee, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -24

The question recurred on the Little amendment to the Mitchell amendment No. 2 to the Bill, SB 265, as amended by the substitute, as amended.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor with the date and hour of delivery, to-wit:

SB 89      SB 256

Delivered to the Governor on May 23, 1995, at 4:35 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 5:20 P.M., on motion of Senator Hale, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, SB 265, the Senate adjourned until Thursday, May 25, 1995, at 10 o'clock A.M.



## **ELEVENTH LEGISLATIVE DAY**

**THURSDAY, MAY 25, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Alex Saks, Manager, WLBF Radio Station, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jim Teel, Lee-Scott Academy, Auburn, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, and Windom

-31

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senators Freeman, Myers, Sanders, and Waggoner for today.

**REPORT FROM RULES**

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 174. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, May 25, 1995, they adjourn to meet again on Tuesday, May 30, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, May 31, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, June 1, 1995.

Senator Lindsey offered the following substitute for the Resolution, HJR 174, to-wit:

**SUBSTITUTE FOR HJR 174****HJR 174. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Thursday, May 25, 1995, they adjourn to meet again on Tuesday, May 30, 1995, and when they adjourn on Tuesday, May 30, 1995, they adjourn to meet again on Thursday, June 1, 1995.

Which was adopted.

And on motion of Senator Figures, said Resolution, HJR 174, as amended, was concurred in and adopted by the Senate.

**RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 73. COMMENDING MICHAEL C. PATTON ON THE OCCASION OF HIS RETIREMENT.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes Michael C. Patton on the occasion of his retirement, June 31, 1995, following 40 years of dedicated service to the Dothan City School System; and

WHEREAS, Michael Patton has served with honor and distinction as a teacher in the Dothan City Schools for 10 years, and for the past 30 years as the principal of Montana Street Elementary School, earning admiration and regard from all his associates, students, and their parents; he was furthermore the first graduate of Carver High School who later returned there to teach; and

WHEREAS, Mr. Patton has made immeasurable contributions to numerous community and civic organizations serving as president of the Advisory Board of the Salvation Army, past president of the Bi-Racial Study Group, chairman of the Dothan Planning Commission, past president of Hawk-Houston Boys Club, and many others; and

WHEREAS, Mr. Patton is an active participant in numerous notable organizations such as the National Education Association, Alabama Education Association, Kappa Alpha Psi Fraternity, Inc., and the Alabama and National Association of Principals, to name but a few; and

WHEREAS, a dedicated lifetime member of First Missionary Baptist Church, Michael is the devoted husband for 37 years of Stella M. Patton, and they are the proud parents of three sons, Craig, Carlton, and Carmichael; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Michael C. Patton, on the occasion of his retirement following 40 years of service to the Dothan City School System on June 31, 1995, and do furthermore direct that copies of this resolution be provided as evidence of our sincerest appreciation and esteem.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 265.** Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; and to make an appropriation.

as amended. The question was on the Little amendment to the Mitchell amendment No. 2 to the Bill, SB 265, as amended by the Figures, Ghee, and Bedford substitute, as amended.

On motion of Senator Mitchell, said Little amendment was laid on the table.

The question then recurred on the Mitchell amendment No. 2, to the Bill, SB 265, as amended.

On motion of Senator Mitchell, said amendment was laid on the table.

Senator Mitchell then offered the following amendment No. 3 to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**MITCHELL AMENDMENT NO. 3  
TO SB 265, AS AMENDED**

On page 12, line 13, after the period, insert the following language:

Prohibited period for state office only includes the period when the Legislature is convened in regular session unless otherwise provided in Section 17-22A-7.

On page 23, delete lines 7 to 21, inclusive, in their entirety and insert in lieu thereof:

“(b) Candidates for state offices and their principal campaign committees designated in the statement filed with the Secretary of State pursuant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, ~~may~~ shall not solicit or accept, or both,

contributions during a prohibited period or during the period when the Legislature is convened in regular session. For the purposes of this section, the Legislature is considered convened in regular session at any time from the opening day of the ~~special~~ or regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor. Candidates for local office shall not solicit or accept, or both, contributions during a prohibited period.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Roberts, Smith, Smitherman, Steele, and Windom -26

Nays:

- 0

Senator Little offered the following amendment No. 2 to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**LITTLE AMENDMENT NO. 2  
TO SB 265, AS AMENDED**

On page 13, line 3, after the language "threshold amount may be" insert the following language:

annually

Senator Figures moved that said amendment be laid on the table, which motion was lost.

Yeas 14 Nays 15

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Denton, Dial, Dixon, Figures, Ghee, Lipscomb, Mitchell, Roberts, Smith, and Windom -14

Nays:

Senators:

Barron, Bedford, Biddle, Davidson, Escott-Russell, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchem, Poole, Smitherman, and Steele -15

**11th Day**

Senator Little moved that said amendment be adopted, which resulted in a tie vote.

Yeas 14 Nays 14

Yeas:

Senators:

Barron, Bedford, Biddle, Clay, Davidson, Escott-Russell, Langford, Lindsey, Little, McClain, Mitchem, Poole, Smitherman, and Steele -14

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Dial, Dixon, Figures, Ghee, Hill, Lipscomb, Mitchell, Roberts, Smith, and Windom -14

The President and Presiding Officer of the Senate voted "Nay"; therefore the amendment was lost.

Senator Barron offered the following amendment to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**BARRON AMENDMENT TO SB 265, AS AMENDED**

Amend SB 265, as amended, to read as follows:

Page 27 on line 25 delete "five" and insert

"one"

And on line 26 delete "\$5,000" and insert

"(\$1,000)".

Senator Bedford offered the following amendment to the Barron amendment to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**BEDFORD AMENDMENT TO BARRON  
AMENDMENT TO SB 265, AS AMENDED**

On page 27, line 25, delete the language "five thousand" and insert in lieu thereof:

one hundred

On page 27, line 26, delete the language “(\$5,000)” and insert in lieu thereof:

(\$100)

Senator Windom moved that said amendment be laid on the table, which motion was lost.

Yeas 4 Nays 23

Yeas:

Senators:

Ghee, Lindsey, Little, and Windom - 4

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, McClain, Mitchem, Poole, Roberts, Smith, Smitherman, and Steele -23

And said Bedford amendment to the Barron amendment was then adopted.

Yeas 21 Nays 7

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Clay, Dial, Dixon, Escott-Russell, Hale, Hill, Langford, Little, McClain, Mitchem, Poole, Roberts, Smith, Smitherman, and Steele -21

Nays:

Senators:

Bailey, Davidson, Denton, Figures, Ghee, Mitchell, and Windom - 7

## RECESS

At 11:55 A.M., on motion of Senator Bailey, the Senate took a recess until 1 o'clock P.M.

The recess period having expired, at 1 o'clock P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present..

## FURTHER CONSIDERATION OF SB 265

The Senate proceeded to further consideration of the Bill, SB 265,

**11th Day**

as amended. The question was on the Barron amendment, as amended.

Senator Bailey moved that said amendment be laid on the table, which motion was lost.

Yeas 11 Nays 17

Yeas:

Senators:

Armistead, Bailey, Denton, Escott-Russell, Figures, Ghee, Hale, Lindsey, Mitchell, Smith, and Windom -11

Nays:

Senators:

Adams, Amari, Barron, Bedford, Biddle, Clay, Dial, Dixon, Hill, Langford, Little, McClain, Mitchem, Poole, Roberts, Smitherman, and Steele -17

And said Barron amendment, as amended by the Bedford amendment, was then adopted.

Yeas 20 Nays 8

Yeas:

Senators:

Adams, Amari, Barron, Bedford, Biddle, Clay, Dial, Dixon, Escott-Russell, Hill, Langford, Little, McClain, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, and Windom -20

Nays:

Senators:

Armistead, Bailey, Denton, Figures, Ghee, Hale, Lindsey, and Mitchell- 8

Senators Barron and Bedford offered the following amendment to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**BARRON AND BEDFORD AMENDMENT  
TO SB 265, AS AMENDED**

On page 27, line 23, after the "colon" delete fifteen thousand dollars (\$15,000) and insert in lieu thereof:

one thousand dollars (\$1,000)

Which was adopted.

Yeas 19 Nays 10



**11th Day**

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Clay, Dial, Dixon, Hill, Langford, Lipscomb, Little, McClain, Mitchem, Poole, Roberts, Smith, and Windom

-19

Nays:

Senators:

Bailey, Denton, Escott-Russell, Figures, Ghee, Hale, Lindsey, Mitchell, Smitherman, and Steele

-10

Senator Mitchem offered the following amendment to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**MITCHEM AMENDMENT TO  
SB 265, AS AMENDED**

Amend SB 265, as amended, on page 32, line 6 by deleting the language "Beginning January 1, 1996,..." through line 15 of page 32 and inserting the following:

Except as provided in this act, a political committee may not make contributions to any other political committee. Contributions may be made between national, regional, state, and local political committees representing the same specific class of persons. A political committee of a business association, professional association, commercial association, industrial association, or trade association that is organized as a nonprofit corporation under Alabama law whose member organizations also maintain political committees may receive contributions from the political committees of their member organizations. A political action committee shall report receiving a contribution from another political action committee to the office of the Secretary of State within five (5) working days from the date of receiving such contribution and no political action committee shall accept any contribution from another political action committee ten (10) days before any primary, runoff or general election.

Which was adopted.

Yeas 15 Nays 13

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Clay, Dial, Dixon, Hale, Hill, Lipscomb, Mitchell, Mitchem, Roberts, Smith, and Windom

-15

Nays:

Senators:

Amari, Bailey, Bedford, Escott-Russell, Figures, Ghee, Langford, Lindsey,

Little, McClain, Poole, Smitherman, and Steele

-13

Senator Dial offered the following amendment No. 3 to the Bill, SB 265, as amended by the substitute, as amended, to-wit:

**DIAL AMENDMENT NO. 3  
TO SB 265, AS AMENDED**

Amend SB 265, as amended, to read as follows:

On page 28 on line 19 insert the following language and re-letter the remaining subparagraphs:

“(g) Any judge or justice of an appellate court who has received more than \$3,000 from any attorney or \$3,000 in the aggregate from any law firm which the attorney is associated with or from any party to a case pending before such judge or any judge of a circuit or district court who has received more than \$1,000 from any attorney or \$1,000 in the aggregate from any law firm which the attorney is associated with or from any party to a case pending before such judge shall be disqualified from hearing such case unless the other party waives the disqualification.

**UNANIMOUS CONSENT GRANTED**

Senator Bailey requested and received unanimous consent to receive the following Message from the House, to-wit:

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 73. COMMENDING MICHAEL C. PATTON ON THE  
OCCASION OF HIS RETIREMENT.**

GREG PAPPAS,  
Clerk.

**ADJOURNMENT**

At 2:30 P.M., on motion of Senator Mitchell, pending further consideration of the Bill, SB 265, the Senate adjourned until Tuesday, May 30, 1995, at 1 o'clock P.M.

Yeas 16 Nays 11

REGULAR SESSION  
**11th Day**

605

Yeas:

Senators:

Barron, Biddle, Denton, Dixon, Escott-Russell, Figures, Ghee, Hale,  
Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Smitherman,  
and Steele -16

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Dial, Hill, Lipscomb, Poole, Roberts,  
Smith, and Windom -11

## **TWELFTH LEGISLATIVE DAY**

**TUESDAY, MAY 30, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Rusty Taylor, Church Administrator, Frazer United Methodist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Heather Carol Wright, Randolph County High School, Wedowee, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Langford for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton (With Notice and Proof):

**S. 475.** Relating to Lauderdale County; to amend Act No. 79-351, S. 181 of the 1979 Regular Session (Acts 1979, p. 565); to further provide for the fee of the Judge of Probate for celebrating the rites of matrimony; and to provide retroactive effect.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 475, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (With Notice and Proof):

**S. 476.** Relating to the Etowah County Commission; establishing and defining boundaries of the single-member district county governing body, pursuant to the Joint Remedy Proposal, in the court order dated January 30, 1995, and related orders, in Civil Action No. 89-T-459-E in the United States District Court for the Middle District of Alabama, Eastern Division, in the case of Presley et al v. Etowah County Commission; relating to budgetary and expenditure matters for roads and bridges; relating to duties of the commissioners and the county road supervisor; providing for the chair of the commission; and providing that commissioners shall be on a part-time status; providing for the compensation and expenses of the commissioners; and repealing conflicting laws.

Committee on Local  
Legislation No. 1

**12th Day**

I hereby certify that the notice and proof is attached to the Bill, SB 476, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Adams, Armistead, Amari, Davidson, Bailey, Windom, Roberts, and Hill:

**S. 477.** To establish the Postsecondary and Higher Education Evaluation and Review Commission and provide for the appointment and powers of commission members; to provide for a specific legislative process relating to action on the recommendations and proposed legislation by the commission; to provide for compensation, office space, and staff for the commission; to provide for filling vacancies; to provide for the Alabama Commission on Higher Education and the State Department of Education to furnish assistance and other needs of the commission and require the cooperation of all state agencies; and to provide for the termination of the commission and the discharge of the members.

Committee on Fiscal Responsibility  
and Accountability

By Senators Adams, Armistead, Amari, Davidson, Bailey, Windom, Roberts, and Hill:

**S. 478.** Proposing a constitutional amendment relating to a certain legislative process of certain legislation providing for the closure, realignment, reduction or consolidation of any program, facility, or institution in the realignment or closure of any public four-year college or university, junior college, vocational or technical school, and the operation of post-secondary and higher education, and certain real and personal property of the affected institution.

Committee on Fiscal Responsibility  
and Accountability

The above Bill was read a first time at length as required by the Constitution.

By Senator Clay:

**S. 479.** Relating to operators of horse and greyhound racetracks; to authorize televised simulcast programming of racing events; to authorize

operators to conduct pari-mutuel wagering on televised racing events; to allow participation in pari-mutuel pools; to provide rules for takeouts from pari-mutuel pools; to increase hours of operation for racetracks; and to repeal Section 11-65-32, Code of Alabama 1975.

Committee on Tourism and Marketing

By Senator Armistead (With Notice and Proof):

**S. 480.** Relating to Shelby County; to transfer the license-issuing division within the Office of the Judge of Probate to the county commission for issuance of certain licenses; to provide for the selection and development of classified service personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to provide that the fees would be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe procedures for the assessing and collecting of certain taxes; and to provide that the issuance of marriage licenses would remain the responsibility of the Office of the Judge of Probate.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 480, as required in the General Acts of Alabama, 1975, Act No. 919.

\* McDOWELL LEE,  
Secretary.

By Senator Armistead (With Notice and Proof):

**S. 481.** Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 481, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Mitchell:

**S. 482.** To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to the sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales; and to provide for certain redemption procedures.

Committee on Governmental Affairs

By Senator Biddle:

**S. 483.** To amend Section 34-14A-13, Code of Alabama 1975, relating to building permits; to require building officials to issue permits to licensed builders without requiring the disclosure of the subcontractors who will be involved in the construction.

Committee on Commerce,  
Transportation, and Utilities

By Senator Biddle:

**S. 484.** To provide for the registration and qualifications of home inspectors in the State of Alabama.

Committee on Commerce,  
Transportation, and Utilities

By Senator Biddle:

**S. 485.** To amend Section 34-8-9, Code of Alabama 1975, relating to building permits; to require building officials to issue permits to licensed builders without requiring the disclosure of the subcontractors who will be involved in the construction.

Committee on Commerce,  
Transportation, and Utilities

By Senator Waggoner:

**S. 486.** To amend Section 13A-12-200.1 of the Code of Ala-



bama 1975, to provide further for the definition of "obscene" under the Alabama Anti-Obscenity Enforcement Act for purposes of enforcing the act in certain areas of the state.

Committee on Governmental Affairs

By Senator Waggoner:

**S. 487.** To authorize the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Hale (With Notice and Proof):

**S. 488.** Relating to the City of Cullman; to amend Section 3 of Act No. 93-536, S. 560 of the 1993 Regular Session (Acts 1993, p. 882), to further provide for the election of the Cullman City Board of Education.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 488, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Waggoner:

**S. 489.** To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the State Employees' Health Insurance Plan and to provide that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state.

Committee on Fiscal Responsibility  
and Accountability

By Senator Freeman (With Notice and Proof):

**S. 490.** To exempt the Jehovah Jirah, Inc., a nonprofit corpora-

tion located in Madison County, Alabama, from the payment of all county and municipal ad valorem taxes.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 490, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Biddle:

**S. 491.** To provide that a service contract, extended warranty, or other written agreement purchased for an additional cost to maintain, repair, or replace tangible property over a fixed period of time shall not be deemed an insurance contract.

Committee on Banking  
and Insurance

By Senator Amari:

**S. 492.** To amend Sections 5-18-10, 5-18-12, 5-18-15, 5-18-16, 5-18-17, 5-18-21, and 5-18-24, Code of Alabama 1975 relating to the regulation and licensing of the small loan business; to establish the Paul B. Ford, Jr., 1995 Amendments to the Alabama Small Loan Act; to provide for its operation and supervision; to provide for confidentiality of reports; to provide further for enforceability and liabilities of small loan contract; to provide further for the promulgation of rules regarding small loans; and to provide for mediation, arbitration, or other alternative dispute resolution; and to change the penalty for violation.

Committee on Banking  
and Insurance

By Senator Steele (With Notice and Proof):

**S. 493.** Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to further provide that the compensation of the deputies would include cost-of-living raises received by state troopers.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 493, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dial:

**S. 494.** Relating to county boards of education; to amend Section 16-8-39 of the Code of Alabama 1975, to provide for the keeping of financial records in the manner approved by the State Superintendent of Education and for the annual audit of county boards of education; and to amend Section 41-5-14 of the Code of Alabama 1975, relating to the Examiners of Public Accounts and the auditing of governmental units, to exempt county boards of education from the requirement that they be audited by the Examiners of Public Accounts.

Committee on Governmental Affairs

By Senator Armistead (With Notice and Proof):

**S. 495.** Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 495, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Clay:

**S. 496.** Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner

disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

Committee on Banking  
and Insurance

By Senators Windom, Myers, and Figures:

**S. 497.** To create two new circuit judgeships in the Thirteenth Judicial Circuit of Alabama.

Committee on Judiciary

By Senator Clay:

**S. 498.** To propose an amendment to the Constitution of Alabama of 1901, to provide that the electrical utility owned by the City of Tuskegee may not charge customers a rate more than ten percent higher than the highest rate charged by the largest electrical utility company in this state; to require the electrical utility to file a report with the Alabama Public Service Commission; to provide that the members of the board would be liable for failure to file a report; and to provide penalties.

Committee on Commerce,  
Transportation, and Utilities

The above Bill was read a first time at length as required by the Constitution.

By Senator Waggoner:

**S. 499.** To provide standards regarding renewability of coverage and to limit the use of preexisting condition exclusions in group health benefit plans.

Committee on Banking  
and Insurance

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint

Resolutions, your signature thereto is requested.

**HJR 71.** DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.

Also:

**HJR 72.** RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

Also:

**HJR 146.** EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

Also:

**HJR 147.** COMMENDING DIANNE DAVIS MCWAIN OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 149.** COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.

Also:

**HJR 150.** COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

**HJR 152.** COMMENDING THE HONORABLE M. JOHN STEENSLAND, JR., OF DOTHAN, ALABAMA.

Also:

**HJR 155.** COMMENDING ANN DELCHAMPS OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

**HJR 157.** WELCOMING THE NEIGHBORHOODS, U.S.A.

## ANNUAL CONFERENCE TO BIRMINGHAM, ALABAMA.

Also:

**HJR 158.** COMMENDING MRS. RUBY MILLER ON THE OCCASION OF HER RETIREMENT.

Also:

**HJR 159.** COMMENDING MRS. VIRGINIA OZMENT ON THE OCCASION OF HER RETIREMENT.

Also:

**HJR 160.** COMMENDING MR. ROBERT SMITH ON THE OCCASION OF HIS RETIREMENT.

Also:

**HJR 161.** COMMENDING MRS. LAURA ELIZABETH LOWERY LITTLE FOR DISTINGUISHED SERVICE.

Also:

**HJR 162.** COMMENDING BECKY DICKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 163.** CONGRATULATING MR. AND MRS. ROBERT GORDON LISTER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

**HJR 165.** URGING THE RETURN OF THE CSS HUNLEY TO THE CITY OF MOBILE, ALABAMA.

Also:

**HJR 166.** COMMENDING STEVE KITTRELL FOR HIS 500TH WIN AS A COLLEGE BASEBALL COACH.

Also:

**HJR 167.** COMMENDING BRIAN GILLIS CAMPBELL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 170.** URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

**HJR 174.** RELATIVE TO MEETING DAYS.

GREG PAPPAS,  
Clerk.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 174.** RELATIVE TO MEETING DAYS.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

**SJR 73.** COMMENDING MICHAEL C. PATTON ON THE OCCASION OF HIS RETIREMENT.

PAT LINDSEY,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 265.** Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; and to make an appropriation.



as amended. The question was on the Dial amendment No. 3, to the Bill, SB 265, as amended by the Figures, Ghee, and Bedford substitute, as amended.

On motion of Senator Dial, said amendment was laid on the table.

On motion of Senator Figures, the Figures, Ghee, and Bedford substitute, as amended, was laid on the table.

Yeas 17 Nays 14

Yeas:

Senators:

Bailey, Biddle, Butler, Denton, Escott-Russell, Figures, Ghee, Hale, Lindsey, Little, McClain, Mitchell, Roberts, Sanders, Smitherman, Steele, and Windom  
-17

Nays:

Senators:

Adams, Barron, Bedford, Clay, Davidson, Dial, Dixon, Hill, Lipscomb, Mitchem, Myers, Poole, Smith, and Waggoner  
-14

Senators Figures and Ghee offered the following substitute for the Bill, SB 265, to-wit:

## **FIGURES AND GHEE SUBSTITUTE FOR SB 265**

### **A BILL TO BE ENTITLED AN ACT**

Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to prescribe penalties for violations of this act; and to make an appropriation.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, are amended to read as follows:

“§17-22A-2.

## 12th Day

"For purposes of this chapter, ~~unless a different meaning clearly appears in the context~~, the following terms shall have the following meanings ascribed in this section:

"(1) CANDIDATE. An individual who has done any of the following:

"a. Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office or in the case of an independent seeking ballot access, on the date when he or she files a petition with the ~~probate~~ judge of probate in the case of county offices or the secretary of state in all other cases; ~~or~~,

"b. Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to any state office or local office. ~~Provided, however, that Notwithstanding the foregoing~~, no person shall be considered a candidate within the meaning of this subdivision until ~~such~~ the time as he or she has either received contributions or expenditures as provided herein in the following amounts:

"1. ~~Ten~~ Twenty-five thousand dollars (\$25,000) or more, with a view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state; ~~;~~

"2. ~~Three~~ Five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to any state office, excluding legislative office, filled by election of the registered voters of any circuit or district; ~~and~~,

"3. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to the Alabama Legislature.

~~"3. 4.~~ One Five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to any local office.

"(2) CONTRIBUTION.

"a. The following shall be considered ~~contributions~~ a contribution:

"1. A gift, subscription, loan, advance, deposit of money, a thing ~~or anything~~ of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election; ~~;~~

including contributions made by or on behalf of a candidate, political committee, or political party to encourage individuals to register to vote or to vote.

“2. A contract or agreement to make a gift, subscription, loan, advance, ~~or~~ deposit of money, ~~or thing anything~~ of value for the purpose of influencing the result of an election; ~~;~~

“3. Any transfer of a ~~thing anything~~ of value received by a political committee from another political committee, political party, or other source; ~~or~~

“4. The payment of compensation by any person for the personal services or expenses of any other person if ~~such those~~ services are rendered or expenses incurred on behalf of a candidate, political committee, or political party without payment of full and adequate compensation by ~~such the~~ candidate, political committee, or political party. ~~Provided, however, that Notwithstanding the foregoing,~~ the payment of compensation by a corporation for the purpose of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund as permitted by section 10-1-2, shall not constitute a contribution.

“5. The offer or promise of a contribution as defined in this act.

“b. The term “contribution” does not include: The following shall not be considered a contribution:

“1. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee; ~~;~~

“2. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual’s residential or business premises for election-related activities; ~~;~~

“3. The sale of any food or beverage by a vendor for use in ~~an~~ election ~~a~~ campaign at a charge to a candidate or political committee less than the normal comparable charge, if ~~such that~~ charge to the political committee for use in ~~an election the~~ campaign is at least equal to the cost of ~~such the~~ food or beverage to the vendor; ~~;~~

“4. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers personal services to a candidate or political committee; ~~or~~

~~“5. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.~~

“6. 5. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless ~~such~~ the information was compiled with the advance knowledge of and approval of the candidate or the political committee.

“(3) ELECTION. Unless otherwise specified, any general, special, primary, or runoff election, or any convention or caucus of a political party held to nominate a candidate, or any election at which a constitutional amendment or other proposition is submitted to the popular vote.

“(4) EXPENDITURE.

“a. The following shall be considered ~~expenditures~~ an expenditure:

“1. A purchase, payment, distribution, loan, advance, deposit, ~~or~~ gift of money, ~~or thing anything~~ of value, made for the purpose of influencing the result of an election;.

“2. A contract or agreement to make any purchase, payment, distribution, loan, advance, deposit, ~~or~~ gift of money, ~~or thing anything~~ of value, for the purpose of influencing the result of an election; ~~or including expenditures made by or on behalf of a candidate, political committee, or political party to encourage individuals to register to vote or to vote.~~

“3. The transfer, gift, or contribution of funds of a political committee to another political committee.

“b. The term “~~expenditure~~” ~~does not include~~ following shall not be considered an expenditure:

“1. Any news story, commentary, or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless ~~such~~ those facilities are owned or controlled by any political party or political committee;.

“2. Nonpartisan activity designed to encourage individuals to register to vote, or to vote;”

“3. Any communication by any membership organization to its members or by a corporation to its stockholders and employees if ~~such the~~ membership organization or corporation is not organized primarily for the purpose of influencing the result of an election;”

“4. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual’s residential or business premises for election-related activities;”

“5. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee;”

“6. Any communication by ~~any~~ a person which is not made for the purposes of influencing the result of an election; ~~or~~”

~~“7. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.”~~

“7. Promotional items generally distributed to the general public or to public officers and food and beverages.”

“(5) IDENTIFICATION. The full name and complete address. For purposes of the broadcast media, identification shall only be the full name.

“(6) LOAN. A transfer of money, property, or thing ~~anything~~ of value in consideration of a promise or obligation, conditional or not, to repay in whole or part.

“(7) LOCAL OFFICE. Any office under the constitution and laws of the state, except circuit, district, or legislative offices, filled by at an election ~~of by~~ the registered voters of a single county or municipality, or by the voters of a division contained within a county or municipality.

**12th Day**

“(8) PERSON. An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

“(9) POLITICAL COMMITTEE. Any national, state, or local political committee, including any political committee organized pursuant to Title 10 of the Code of Alabama 1975, club, association, principal campaign committee, political party, or other group of one or more persons which receives or anticipates receiving contributions or makes or anticipates making expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee or other political committee. For the purposes of this chapter an individual who makes a personal political contribution (other than a candidate who makes a contribution to himself or herself), shall not be considered a political committee. The names of all political committees shall include the name of, and no other name than, the entity which or person who caused the political committee to be created.

“(10) POLITICAL PARTY. Any political party or on-going membership organization whose stated purpose, in whole or in part, is to carry out the goals, functions, and objectives of a political party, including, but not limited to, supporting any or all candidates of a political party, and encouraging voter registration, participation, and education.

“(10) (11) PRINCIPAL CAMPAIGN COMMITTEE. The principal campaign committee designated by a candidate under section 17-22A-4. A political committee established primarily to benefit an individual candidate or an ~~individual~~ elected official shall be considered a principal campaign committee for purposes of this chapter.

“(12) PROHIBITED PERIOD. Unless otherwise provided, any time other than during the period 12 months before an election in which the person intends to be a candidate. Prohibited period for state office only includes the period when the Legislature is convened in regular session unless otherwise provided in Section 17-22A-7. If the candidate has a debt arising from the campaign, the candidate may also solicit contributions until the debt is extinguished after the election in which the person was a candidate, but only to the extent of any campaign debt of the candidate or the principal campaign committee of the candidate as indicated on a campaign financial disclosure form or to the extent of reaching the threshold that is required for qualification as a candidate for the office which he or she currently holds. The debt shall be directly related to lawful campaign expenditures. Provided, however, any candidate or elected official whose election is challenged including quo warranto challenges may then accept, solicit, and receive campaign contributions for the purpose of paying all expenses associated with the election challenge.

“Notwithstanding the foregoing, a candidate for state office other than one filled by election of the registered voters of any circuit or district, public official holding state office other than one filled by election of the registered voters at any circuit or district, or his or her principal campaign committee may accept campaign contributions at any time during the term of office other than the 12 months preceding the election of the office when those contributions do not exceed twenty-five thousand dollars (\$25,000) in the aggregate. A candidate for state office, excluding legislative office, filled by election of the registered voters of any circuit or district, public official holding state office, excluding legislative office, filled by election of the registered voters of any circuit or district, or his or her principal campaign committee may accept campaign contributions at any time during the terms of office other than the 12 months preceding the election for that office when those contributions do not exceed five thousand dollars (\$5,000) in the aggregate. A candidate for the Alabama Senate, a State Senator, or his or her principal campaign committee may accept campaign contributions at any time during the term of office other than the 12 months preceding the election for the office when those contributions do not exceed twenty-one thousand dollars (\$21,000) in the aggregate. A candidate for the Alabama House of Representatives, a Member of the Alabama House of Representatives, or his or her principal campaign committee may accept campaign contributions at any time during the term of office other than the 12 months preceding the election for the office when those contributions do not exceed seven thousand dollar (\$7,000) in the aggregate. A candidate for local office, a local official or his or her principal campaign committee may accept campaign contributions at any time during the term of office other than the 12 months preceding the election for the office when those contributions do not exceed five thousand dollars (\$5,000) in the aggregate.

“(H) (13) PROPOSITION. Any proposal for submission to the general public for its approval or rejection, including proposed as well as qualified ballot questions.

“(H) (14) STATE. The state of Alabama.

“(H) (15) STATE OFFICE. All offices under the constitution and laws of the state filled by election of the registered voters of the state, or of any circuit or district and shall include legislative offices.

“(16) THING OF VALUE. a. Any gift, benefit, favor, service, gratuity, special discount, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

“b. The term, thing of value, does not include any of the following,

**12th Day**

provided that no particular course of action is required as a condition to the receipt thereof:

“1. Campaign contribution as defined in Section 17-22A-2.

“2. Seasonal gifts of an insignificant economical value of less than one hundred dollars (\$100) if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars (\$250) during any one calendar year.

“3. Hospitality extended to a public official, public employee, and his or her respective household as a social occasion in the form of food and beverages where the representative of the sponsoring organization is present, lodging in the continental United States and Alaska incidental to the social occasion, and tickets to social or sporting events if the hospitality does not extend beyond three consecutive days and is not continuous in nature and the aggregate value of such hospitality in excess of two hundred fifty dollars (\$250) within a calendar day is reported by a representative of the sponsoring organization. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

“4. Reasonable transportation, food and beverages where the representative of the sponsoring organization is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, or for speaking engagements, together with any hospitality associated therewith; provided, that such hospitality in which the public official actually participates is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported by a representative of the sponsoring organization. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

“5. Promotional items commonly distributed to the general public and food or beverages of a nominal value.

“c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child, sibling, parent, grandparent, uncle, aunt, or other relatives of the public official or public employee.



“d. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public employee or public official.”

“§17-22A-3.

“(a) Every political committee shall have a ~~chairman~~ chair and a treasurer. Where required, the treasurer shall register the political committee with the Secretary of State.

“(b) All funds of a political committee shall be segregated from, and shall not be commingled with, any personal funds of officers, members, or associates of ~~such~~ the political committee.

“(c) ~~It shall be the duty of the~~ The treasurer of a political committee ~~to shall~~ keep a detailed, exact account of the following:

“(1) All contributions made to or for ~~such~~ the political committee;.

“(2) All expenditures made by or on behalf of ~~such~~ the political committee; ~~and.~~

“(3) The identification of every person to whom an expenditure is made, the date and amount thereof, and the name of each candidate on whose behalf ~~such~~ the expenditure was made or a designation of the election proposition the result of which the political committee will attempt to influence by making expenditures or receiving contributions.

“(d) ~~It shall be the duty of the~~ The treasurer ~~to shall~~ obtain and keep a receipted bill or cancelled check, stating the particulars for every expenditure made by or on behalf of a political committee greater than ~~\$100.00~~ one hundred dollars (\$100), and for any ~~such~~ expenditure in a lesser amount, if the aggregate amount of ~~such~~ the expenditures to the same person during a calendar year is greater than ~~\$100.00~~ one hundred dollars (\$100). ~~Provided, however, the~~ The treasurer of a political committee other than a principal campaign committee shall not be required under this chapter to report any expenditure not related to political contributions or expenditures or made as an administrative expense. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of two years from the date of ~~any such~~ the expenditure.”

“§17-22A-4.

“Within ~~five~~ 10 days after any person becomes a candidate for office, ~~such~~ the person shall file with the secretary of state or judge of

probate, as provided in section 17-22A-9, a statement showing the name of not less than two nor more than five persons elected to serve as the principal campaign committee for ~~such the~~ candidate, together with a written acceptance or consent by ~~such the~~ committee, ~~but~~ Notwithstanding the foregoing, any candidate may declare himself or herself as the person chosen to serve as the principal campaign committee, ~~in which and in that~~ case ~~such the~~ candidate shall perform the duties of ~~chairman chair~~ and treasurer of ~~such the principal campaign~~ committee prescribed by this chapter. If any ~~vacancies be~~ vacancy is created by death or resignation or any other cause, ~~such the~~ candidate may fill ~~such the~~ vacancy, or the remaining members shall discharge and complete the duties required of ~~such the~~ committee as if ~~such the~~ vacancy had not been created. The principal campaign committee, or its treasurer, shall have exclusive custody of all moneys contributed, donated, subscribed, or in any manner furnished to or for the candidate represented by ~~such the~~ committee, and shall account for and disburse the ~~same moneys~~. No candidate shall expend any money in aid of his or her nomination or election except by contributing to the principal campaign committee designated by the candidate ~~as aforesaid~~."

"§17-22A-5.

"(a) Each political committee, other than a principal campaign committee, which anticipates either receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000) shall file with the secretary of state ~~or the judge of probate as herein~~ provided in section 17-22A-9, a statement of organization, within 10 days after its organization or, if later within 10 days after the date on which it has information which causes the political committee to anticipate it will receive contributions or make expenditures in an aggregate amount in excess of ~~\$1,000.00~~ one thousand dollars (\$1,000). ~~Each such committee in existence at the date of enactment of this chapter shall file a statement of organization within 60 days after the effective date of this chapter.~~

"(b) The statement of organization shall include all of the following:

"(1) The name and complete address of the political committee;.

"(2) The identification of any affiliated or connected organizations; ~~if any~~;

"(3) The purposes of the political committee;.

"(4) The identification of the ~~chairman chair~~ and treasurer;.

## 12th Day

“(5) The identification of principal officers, including members of any finance committee.”

“(6) A description of the constitutional amendments or other propositions, if any, that the political committee is supporting or opposing, and the identity, if known, of any candidate or elected official that the political committee is supporting or opposing.”

“(7) A statement whether the political committee is a continuing one, and if not, the expected termination or dissolution date.” ~~and.~~

“(8) The disposition of residual funds which will be made in the event of dissolution.

“(c) Any material change in information previously submitted in a statement of organization, except for the information described in subdivision (6) above, shall be reported to the secretary of state or judge of probate as provided in section 17-22A-9, within 10 days following the change.

“(d) A political committee, including a principal campaign committee, after having filed its initial statement of organization, shall continue in existence until terminated or dissolved as provided herein. When any political committee, other than a principal campaign committee, determines it will no longer receive contributions or make expenditures during any calendar year in an aggregate amount exceeding ~~\$1,000.00~~ one thousand dollars (\$1,000), or when any candidate through his or her principal campaign committee determines that he or she will not receive contributions or make expenditures in the amounts specified in section 17-22A-2(1)b, the ~~chairman chair~~ or treasurer of ~~such the~~ political committee ~~may so shall~~ notify the secretary of state or judge of probate, as designated in section 17-22A-9, of the termination or dissolution of ~~such the~~ political committee. ~~Such The~~ notice shall contain a statement by the treasurer of ~~such the political~~ committee of the intended disposition of any residual funds then held by the political committee on behalf of a candidate.

“(e)(1) Political committees, except principal campaign committees and state and county political party executive committees, but including national political committees which contribute to candidates for state and local office in this state or to causes in this state formed and registered after the effective date of the act adding this subsection and any organization formed and registered to receive contributions or make expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee, or other political committee shall file an initial one hundred dollar (\$100) registration fee with the Office of the Secretary of State. In addition, all new and existing political committees, except principal cam-

paign committees and state and county political party executive committees, shall annually pay a one hundred dollar (\$100) registration fee by January 31 of each year with the Office of the Secretary of State. Upon payment of the initial annual registration fee, the Office of the Secretary of State shall issue a certification number and a certificate of operation to each political committee to authorize the political committee to participate in elections for the designated year. The certificate of operation shall be renewed by the Office of the Secretary of State by January 31 of each year.

“(2) In the event the annual fee is not paid on or prior to January 31 of each year, the Secretary of State shall give a written notice of delinquency to the last known address of the political committee or its chair and treasurer. The failure of the political committee to pay the initial or annual fee within 25 days after the date the notice of delinquency is mailed shall result in the automatic revocation of the certificate of operation of the national, state, or local political committee and in the automatic dissolution of the state or local political committee.

“(3) Ninety percent of the fees collected by the Secretary of State shall be deposited into the State General Fund.

“(4) There is created in the State Treasury a special fund known and designated as the Political Committee Filing Fee Fund. The remaining 10 percent of the fees collected by the Secretary of State shall be deposited into the Political Committee Filing Fee Fund, to be used by the Secretary of State to offset the costs associated with the performance of the duties required under this section. Money deposited into this fund shall not revert to the State General Fund at the end of the fiscal year, but shall remain available for expenditure for the purposes provided herein subject to approval by the Legislature. The expenditure of these funds shall be in accordance with Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive.”

“§17-22A-7.

“(a) Amounts received by a principal campaign committee as contributions and any proceeds from investing ~~such~~ those contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by ~~such the principal campaign~~ committee, may be used by the candidate to defray any ordinary and necessary expenses, as defined in subsections (a), (b), and (e)(1) of Section 162 of Title 26 of U. S. Code, as it existed on May 5, 1993, incurred by him or her in connection with his or her duties as a holder of office, may be contributed by him or her to any organization described in section 170(c), section 501(c), or any other charitable, educational, or eleemosynary cause of Title 26 of U.S. Code, ~~may be~~

~~transferred to another political committee~~, or may be deposited into the State General Fund or the Alabama Special Educational Trust Fund or any department or agency therein funded. Contributions to an office holder shall not be converted to personal use. For purposes of this ~~act~~ section, personal use shall not include room, telephones, office expenses and equipment, housing rental, meals, and travel expenses incurred in connection with the duties as a holder of office.

“(b) Candidates for state offices and their principal campaign committees designated in the statement filed with the Secretary of State pursuant to Section 17-22A-4, Code of Alabama 1975, on behalf of persons seeking or holding those offices, ~~may~~ shall not solicit or accept, or both, contributions during a prohibited period or during the period when the Legislature is convened in regular session. For the purposes of this section, the Legislature is considered convened in regular session at any time from the opening day of the ~~special or~~ regular session and continuing through the day of adjournment sine die for that session. This subsection (b) shall not apply within 120 days of any primary, run-off, or general election and shall not apply to the candidates or principal campaign committees participating in any special election called by the Governor. Candidates for local office shall not solicit or accept, or both, contributions during a prohibited period.

“(c) No lobbyist registered pursuant to Section 36-25-18 may serve as a campaign chair or treasurer for a candidate for a state or local office.

“(d) When a candidate, or the candidate’s principal campaign committee, solicits and accepts campaign contributions in expectation of seeking a state or local office, and the candidate subsequently does not qualify for the next election for that particular office, then the candidate and the principal campaign committee of the candidate may use the funds for any other office the candidate qualified for in the same election year.”

“§17-22A-8.

“(a) The treasurer of each principal campaign committee ~~or other political committee~~ shall file with the secretary of state or judge of probate, and the treasurer of other political committees shall file with the Secretary of State, as designated in section 17-22A-9, reports of contributions and expenditures at the following times in any year in which an election is held:

“(1) ~~Forty-five~~ Between 50 and 45 days before and between 10 and five days before the date of any election for which a political committee receives contributions or makes expenditures with a view toward influencing ~~such~~ the election’s result;.

~~“(2) Provided, however, that~~ Notwithstanding subdivision (1), a report shall not be required except between five and 10 days before a run-off election.

“(b) All candidates, political committees, and elected state and local officials covered under ~~the provisions of this chapter,~~ shall annually file with the secretary of state or judge of probate, as designated in section 17-22A-9, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before January 31 of the succeeding year. A person who fails to fulfill any disclosure requirements of this subsection or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

“(c) Each report under this section shall disclose all of the following:

“(1) The amount of cash or other assets on hand at the beginning of the reporting period; ~~provided, however, that the initial report required by this chapter shall include cash and assets acquired from the date of July 1, 1988, and forward until the end of that reporting period and disbursements made from same;.~~

“(2) The identification of each person who has made contributions to ~~such the political~~ committee or candidate within the calendar year in an aggregate amount greater than ~~\$100.00~~ one hundred dollars (\$100), together with the amount and date of all ~~such~~ contributions; ~~provided, however, in.~~ In the case of a political committee, other than a principal campaign committee, identification shall mean the name and city of residence of each person and name of each political committee who has made contributions within the calendar year in an aggregate amount greater than ~~\$100.00; one hundred dollars (\$100).~~

“(3) The total amount of other contributions received during the calendar year but not reported under subdivision (c)(2) ~~of this section;.~~

“(4) Each loan to or from any person within the calendar year in an aggregate amount greater than ~~\$100.00~~ one hundred dollars (\$100), together with the identification of the lender, the identification of ~~the~~ any endorsers, ~~or guarantors; if any,~~ and the date and amount of ~~such the~~ loans;.

“(5) The total amount of receipts from any other source during ~~such the~~ the calendar year including, without limitation, interest on campaign accounts and a thing of value;.

“(6) The grand total of all receipts by or for ~~such the~~ committee during the calendar year;.

“(7) The identification of each person to whom expenditures have been made by or on behalf of ~~such the political~~ committee or elected official within the calendar year in an aggregate amount greater than ~~\$100.00~~ one hundred dollars (\$100), the amount, date, and purpose of each ~~such~~ expenditure, and, if applicable, the designation of each constitutional amendment or other proposition with respect to which an expenditure was made;.

“(8) The identification of each person to whom an expenditure for personal services, salaries, and reimbursed expenses greater than ~~\$100.00~~ one hundred dollars (\$100) has been made, and which is not otherwise reported or exempted from ~~the provisions of~~ this chapter, including the amount, date, and purpose of ~~such the~~ expenditure;.

“(9) The ~~grand~~ total of all expenditures made by ~~such the political~~ committee or elected official during the calendar year; and.

“(10) The amount and nature of debts and obligations owed by or to the political committee or elected official, together with a statement as to the circumstances and conditions under which any ~~such~~ debt or obligation was extinguished and the consideration therefor.

“(d) Political committees that file reports under federal election statutes may file a copy of the federal report in lieu of the report required by this section.

“(e) Contributions to any candidate, elected official, or principal campaign committee participating in each election as defined in this section, whose name, issue, or proposition appears on the ballot, shall be limited to the following:

“(1) Political committees: fifteen thousand dollars (\$15,000) per candidate, per calendar year.

“(2) Individual contributions: five thousand dollars (\$5,000) per candidate, per calendar year.

“(3) Corporation; limited liability company; political committee of a business association, commercial or industrial association which is organized as a nonprofit corporation under Alabama law: one thousand dollars (\$1,000) per candidate, per calendar year.

“(4) Partnerships, in addition to (2) above: one thousand (\$1,000) per candidate, per calendar year.

“(5) Candidate to another candidate: two thousand dollars (\$2,000) per candidate, per calendar year.

“(6) Elected official to another elected official: two thousand dollars (\$2,000) per elected official, per calendar year.

“(7) Principal campaign committee to another principal campaign committee: two thousand dollars (\$2,000) per principal campaign committee, per calendar year.

“(8) Lobbyists: five hundred dollars (\$500) per candidate, per calendar year.

“(f) All candidates, elected officials, and political committees shall abide by these limitations in subsection (e).

“(g) A political committee may not make contributions to any other political committee.

“(d) (h) Each report ~~required by this section~~ shall be signed and filed by the elected official or on behalf of the political committee by its ~~chairman chair~~ or treasurer and, if filed on behalf of a principal campaign committee, by the candidate represented by ~~such the~~ committee. There shall be attached to each ~~such~~ report an affidavit subscribed and sworn to by the ~~elected official, or chairman chair~~, or treasurer and, if filed by a principal campaign committee, the candidate represented by ~~such the principal campaign~~ committee, setting forth ~~in substance that such the~~ report is to the best of his or her knowledge and belief in all respects true and complete, and, if made by a candidate, that he or she has not received any contributions or made any expenditures which are not set forth and covered by ~~such the~~ report.”

“§ 17-22A-9.

“(a) All statements and reports required of principal campaign committees ~~under the provisions of this chapter~~ shall be filed with the secretary of state in the case of candidates for state office or state elected officials, and in the case of candidates for local office or local elected officials, with the judge of probate of the county in which the office is sought.

“(b) Political committees, except principal campaign committees, which seek to influence an election for ~~state or~~ local office or to influence a proposition, ~~regarding a single county~~, shall file all reports and statements with the judge of probate of the county affected. ~~All other political committees, except as provided in subsection (a) above, shall file reports and statements with the secretary of state.~~”



“§17-22A-11.

“(a) All political committees, except principal campaign committees, shall file their statement of organization forms and subsequent financial disclosure reports with the Office of the Secretary of State. The Office of the Secretary of State shall within two working days after receipt of those reports provide copies of the statements filed by political committees to the judge of probate in the county in which the political committee was organized.

“(b) The secretary of state and the judge of probate shall have the following duties:

“(1) ~~To accept~~ Accept and file all reports and statements ~~from principal campaign committees~~ required by ~~the provisions of~~ this chapter to be filed with them and to accept any information voluntarily supplied that exceeds the requirements of this chapter;.

“(2) ~~To make~~ Make each statement and report filed by a principal campaign committee, ~~or other political committee, or elected official available for public inspection and copying during regular office hours, any such.~~ The cost of copying to shall be at the expense of the person making copies;., except that any information copied from ~~such the~~ reports or statements may not be sold or used by any political party or any political committee for ~~the purposes of~~ soliciting contributions or for commercial purposes, without the express written permission of the candidate or political committee reporting ~~such the~~ information.

“(3) ~~To furnish~~ Furnish any forms ~~to be~~ used in complying with ~~the provisions of~~ this chapter. The expenses incurred by the secretary of state in furnishing forms, accepting statements and reports, filing statements and reports, and making ~~such the~~ statements and reports available to the public shall be paid from moneys designated to the distribution of public documents.”

“§17-22A-12.

“Any paid political advertisement appearing in any print media or broadcast on any electronic media shall be clearly identified or marked as a paid advertisement. It shall be unlawful for any person, candidate, principal campaign committee or other political committee to broadcast, publish or circulate any campaign literature or political advertisement, without a notice appearing on the ~~face or front page of any~~ printed matter, or broadcast at the beginning or end of a radio or television spot, stating that the communication was a paid advertisement and giving the identification of

the person, principal campaign committee or other political committee that paid for or otherwise authorized such communication.”

“§17-22A-18.

“(a) ~~It shall be~~ is unlawful for any person to make a contribution in the name of another person, or knowingly permit his or her name to be used to effect ~~such~~ a contribution made by one person in the name of another person, or for any candidate or political committee to knowingly accept a contribution made by one person in the name of another person; ~~provided, however, that nothing in this chapter would prohibit any person from soliciting and receiving contributions from other persons for the purpose of making expenditures to a candidate, political committee, or elected state or local official required to file reports pursuant to section 17-22A-8. Beginning January 1, 1996, it shall also be unlawful for any political committee to transfer any contributions to any other political committee for any purpose other than to totally dissolve a political committee. Nothing in this chapter shall prohibit any candidate or principal campaign committee of a candidate, or any elected state or local official, from soliciting and receiving contributions from other persons or from other political committees for the benefit of the principal campaign committee of the candidate or official.~~

“(b) Beginning January 1, 1996, a candidate for a local or state office shall not accept a campaign contribution made to himself or herself for the office earlier than one year before the next primary election for nomination to the office unless otherwise provided in this act. At the time of filing a statement designating his or her principal campaign committee with the Secretary of State, the candidate shall also file a statement certifying that none of his or her contributions after the effective date of this act were received earlier than one year before the next primary election for nomination to the office.”

“§17-22A-21.

“~~A certificate of election or nomination shall not be issued to any person elected or nominated to state or local office who shall fail to file any statement or report required by this chapter. A certificate of election or nomination already issued to any person elected or nominated to state or county office who fails to file any statement or report required by this chapter shall be revoked.~~

“Any person elected or nominated to state or local office who fails to file or fails to file in a timely manner any statement or report required by this chapter shall be required to pay a late fee of one hundred dollars (\$100) or an amount equal to 10 percent of the total annual compensation, includ-

ing salary, expense allowances, and other emoluments of the office, whichever is greater. This amount shall be deposited into the State General Fund. The Secretary of State, in the case of persons elected or nominated to state office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. The judge of probate, in the case of persons elected or nominated to local office who fail to file or fail to file in a timely manner, shall notify those persons by certified mail of the failure and that the late fee is due. If the person elected or nominated to state or local office fails to pay the late fee or fails to file the required statement or report and the late fee within 10 days after receipt of the notification, the person elected or nominated to state or local office shall be assessed a penalty of two hundred dollars (\$200) or an amount equal to 10 percent of the total annual compensation, including salary, expense allowances, and other emoluments of the office, whichever is greater. Thereafter, if the report is not filed or the late fee paid, within 10 days after receipt of the notification that a fine has been assessed, the person shall be guilty of a Class A misdemeanor."

Section 2. A person who fails to fulfill any disclosure requirements of this chapter or any other disclosure as required by law, rule, or regulation shall not be eligible to qualify for any state or local office until these disclosure requirements are satisfied.

Section 3. There is appropriated from the Political Committee Filing Fee Fund in the State Treasury to the Office of the Secretary of State the sum of one thousand dollars (\$1,000) for the fiscal year ending September 30, 1996, for the purpose of carrying out the registration and certification provisions in Section 17-22A-5, Code of Alabama 1975. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the Office of the Secretary of State.

Section 4. This act shall become effective January 15, 1996, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Mitchem offered the following amendment to the Figures and Ghee substitute for the Bill, SB 265, to-wit:

#### **MITCHEM AMENDMENT TO SUBSTITUTE FOR SB 265**

On page 33, line 18, delete the language "Beginning January 1, 1996,..." through line 26 and on page 34, lines 1 and 2, delete all the language and insert the following:

Except as provided in this act a political committee may not make

**12th Day**

contributions to any other political committee. Contributions may be made between national, regional, state, and local political committees representing the same specific class of persons. A political committee of a business association, professional association, commercial association, industrial association, or trade association that is organized as a nonprofit corporation under Alabama law whose member organizations also maintain political committees may receive contributions from the political committees of their member organizations. A political action committee shall report receiving a contribution from another political action committee to the office of the Secretary of State within five working days from the date of receiving such contribution and no political action committee shall accept any contribution from another political action committee ten days before any primary, run-off, or general election.

Which was adopted.

Yeas 22 Nays 11

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Hale, Hill, Lipscomb, McClain, Mitchem, Myers, Roberts, Smith, Steele, Waggoner, and Windom -22

Nays:

Senators:

Amari, Bailey, Denton, Figures, Ghee, Lindsey, Little, Mitchell, Poole, Sanders, and Smitherman -11

Senator Little offered the following amendment to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**LITTLE AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 5, line 10, delete the word "Legislature" and insert in lieu thereof:

Alabama Senate and five thousand (\$5,000) or more, with a view toward bringing about nomination or election to the Alabama House of Representatives.

On page 13, line 20, delete the language "twenty-one thousand dollars (\$21,000)" and insert in lieu thereof:

twenty thousand dollars (\$20,000)

On page 13, line 26, delete the language “seven thousand dollars (\$7,000)” and insert in lieu thereof:

ten thousand dollars (\$10,000)

Which was adopted.

Senator Barron offered the following amendment to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**BARRON AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 28, line 25, delete the word “five thousand” and insert in lieu thereof:

two thousand

On page 28, line 26, delete the language “(\$5,000)” and insert in lieu thereof:

(\$2,000)

On page 29, line 4, delete the language “one thousand dollars (\$1,000)” and insert in lieu thereof:

two thousand dollars (\$2,000)

Which was adopted.

Yeas 18 Nays 12

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Biddle, Butler, Clay, Davidson, Dial, Dixon, Hill, Little, Mitchem, Myers, Roberts, Smith, Waggoner, and Windom  
-18

Nays:

Senators:

Bailey, Bedford, Denton, Escott-Russell, Figures, Ghee, Lindsey, Mitchell, Poole, Sanders, Smitherman, and Steele  
-12

Senator Armistead offered the following amendment to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**ARMISTEAD AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 29, after line 17, insert the following language as a new subsection (f) and reletter existing subsections accordingly:

(f) It shall be unlawful for an incumbent judge to personally solicit campaign contributions from a licensed attorney who appears before that judge.

On motion of Senator Ghee, said amendment was laid on the table.

Yeas 16 Nays 15

Yeas:

Senators:

Bedford, Biddle, Denton, Escott-Russell, Figures, Freeman, Ghee, Lindsey, Little, McClain, Mitchell, Poole, Sanders, Smitherman, Steele, and Windom -16

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Butler, Clay, Davidson, Dial, Dixon, Hill, Lipscomb, Mitchem, Myers, and Waggoner -15

Senator Ghee offered the following amendment to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**GHEE AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 29, after line 17, insert the following language as a new subsection (f) and reletter existing subsections accordingly:

(f) It shall be unlawful for an incumbent judge to personally solicit or accept campaign contributions from a licensed attorney or party plaintiff or party defendant who has a case of any type pending in said judge's court.

Which was adopted.

Senator Bedford offered the following amendment to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**BEDFORD AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 28, delete lines 25 and 26 in their entirety and by substituting in lieu thereof the following:

(2) Individual contributions: one hundred dollars (\$100) per candidate, per calendar year; provided however, this subdivision shall in no way limit the contributions that a candidate may make to himself or herself as otherwise provided in this act.

On page 29, line 4, delete the language “one thousand dollars (\$1,000)” and insert in lieu thereof:

one hundred dollars (\$100)

On page 29, delete lines 16 and 17 in their entirety and insert in lieu thereof the following:

(8) Lobbyists: one hundred dollars (\$100) per candidate, per calendar year.

On motion of Senator Barron, said amendment was laid on the table.

Senator Adams offered the following amendment to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**ADAMS AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 29, after line 22, insert the following language as a new subsection (h) and reletter subsequent subsections accordingly:

“(h) Notwithstanding any provision of this act or any other law to the contrary, an attorney who, or any member of a law firm which, has a case pending before a judge of any appellate, circuit, or district court shall not contribute to the campaign of that judge.

Senator Mitchell moved that said amendment be laid on the table, which motion was lost.

And said amendment was then lost.

Senator Dial offered the following amendment to the Figures and

Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**DIAL AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 36, lines 1 and 2, delete the language "January 15, 1996," and insert in lieu thereof:

immediately

Which was adopted.

Yeas 13 Nays 11

Yeas:

Senators:

Adams, Amari, Bailey, Davidson, Dial, Dixon, Hill, Lipscomb, Little, Mitchem, Roberts, Waggoner, and Windom -13

Nays:

Senators:

Barron, Bedford, Biddle, Butler, Clay, Denton, Escott- Russell, Freeman, Lindsey, Mitchell, and Sanders -11

Senator Adams offered the following amendment No. 2 to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**ADAMS AMENDMENT NO. 2 TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 29, after line 22, insert the following language as a new subsection (h) and reletter subsequent subsections accordingly:

"(h) Notwithstanding any provision of this act or any other law to the contrary, any attorney, or any member of the law firm of the attorney, which, has a case pending before a judge of any appellate, circuit, or district court shall not offer to make a contribution or make a contribution to the campaign of that judge.

Which was adopted.

Senator Hill offered the following amendment to the Figures and Ghee substitute, as amended, for the Bill, SB 265, to-wit:

**HILL AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR SB 265**

On page 28, delete the language on lines 18 to 26, inclusive.



REGULAR SESSION  
12th Day

643

On page 29, delete the language on lines 1 to 17, inclusive, and insert in lieu thereof:

(e) Contributions to any candidate, elected official, or principal campaign committee participating in each election as defined in this section, whose name issue, or proposition appears on the ballot, may be given only during that time which is not during the prohibited period, as defined in Section 17-22A-2(12), and subject to the following limitations:

(1) Political committees: fifteen thousand dollars (\$15,000) per candidate.

(2) Individual contributions: two thousand dollars (\$2,000) per candidate.

(3) No laws to the contrary withstanding, corporations, professional associations, professional corporations, and limited liability companies: two thousand dollars (\$2,000) per candidate.

(4) Partnerships, in addition to (2) above: two thousand dollars (\$2,000) per candidate.

(5) Candidates or elected officials to another candidate or elected officials: two thousand dollars (\$2,000) per candidate.

(6) Principal campaign committee to another principal campaign committee: two thousand dollars (\$2,000) per principal campaign committee.

(7) Lobbyists: five hundred dollars (\$500) per candidate.

On motion of Senator Dixon, said amendment was laid on the table.

And said Figures and Ghee substitute, as thus amended, was then adopted.

Yeas 31 Nays 1

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom

-31

Nay: Senator Sanders

- 1

**12th Day**

And said Bill, SB 265, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 1

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -32

Nay: Senator Sanders

- 1

Senator Dial moved that the Senate reconsider the vote by which the Bill, SB 265, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**POINT OF PERSONAL PRIVILEGE**

Senator Smith requested that the Journal show that had he been present he would have voted "Aye" on the passage of the Bill, SB 265.

**REPORT FROM RULES**

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**SJR 63.** CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON STATE PURCHASING AND PROCUREMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Legislative Committee to study state purchasing and procurement. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of state purchasing and procurement.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and

recommendations to the Legislature not later than the 5th legislative day of the 1996 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.

The committee shall have subpoena power.

And on motion of Senator Little, said Resolution, SJR 63, was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedford, Butler, and Windom:

**S. 13.** To amend Section 13A-12-213, Code of Alabama 1975, relating to unlawful possession of marihuana in the first degree; to provide that a person commits the crime of unlawful possession of marihuana in the first degree if the person possesses marihuana for personal use after having been previously convicted of any offense involving a controlled substance.

By Senator Poole:

**S. 64.** To further provide for the registration of convicted felons and certain convicted sex offenders in the office of the sheriff; to provide for the promulgation of a uniform system of registration and the storage of information on convicted felons and convicted sex offenders by the Alabama Criminal Justice Information Center; to provide for the establishment of procedures by the Board of Pardons and Paroles for notification to the sheriff and district attorney of a county when a convicted felon or convicted sex offender who is required to register and who is under the supervision of the board resides in the county; and to provide that the registration information on convicted felons and sex offenders maintained by the sheriff would be a public record.

**12th Day**

By Senators Hale, Dixon, Dial, Little, Waggoner, Smith, Adams, Biddle, Armistead, Davidson, and Butler:

**S. 80.** To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

By Senator Windom:

**S. 195.** Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

By Senator Ghee:

**S. 204.** Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions concerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

By Senator Waggoner:

**S. 213.** To amend Section 16-22-1 of the Code of Alabama 1975 granting certain persons employed by certain institutions and colleges police powers; to further provide for police powers for police officers employed by Samford University.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon, Dial, Hale, Little, Waggoner, Adams, Smith, and Armistead (With Amendment):

**S. 231.** To amend Section 12-11-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit court, and Section 12-12-32 of the Code of Alabama 1975, relating to the criminal jurisdiction of the district court; and Section 12-12-70 of the Code of Alabama 1975, relating to the right of appeal, to provide that the district court would be allowed to

try felony cases which are not punishable by death to provide that the acceptance of a guilty plea by a district court would be subject to the approval of the circuit court in the judicial circuit where the plea was accepted, and to further provide that in cases where the district court exercises concurrent jurisdiction the appeal would be to the appropriate appellate court.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford:

**S. 246.** Relating to municipal corporations; amending Section 11-43-188 of the Code of Alabama 1975, relating to the employment of municipal law enforcement officers in municipalities that do not have a civil service or merit system and a personnel board; to provide for permanent employment status of municipal law enforcement officers in the municipalities under certain conditions; and to provide for review procedures applicable for dismissal actions concerning employees who become classified or permanent municipal law enforcement officers in municipalities that do not have a civil service or merit system and a personnel board.

By Senator Bedford:

**S. 247.** Relating to prisoners in the custody of the Department of Corrections; to provide that not less than five days of deductions granted to a prisoner for certain good conduct would be forfeited or the prisoner's parole hearing date may be continued if the prisoner files a claim without substantial justification, unreasonably expands or delays a proceeding, testifies falsely or otherwise presents false information or material, or submits a claim that is intended solely to harass the party against whom it is filed.

By Senators Dial and Barron:

**S. 309.** To create a new circuit judgeship in the Ninth Judicial Circuit.

By Senator Figures:

**S. 315.** To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Substitute):

**S. 324.** Relating to the imposition of additional fines for persons convicted of driving under the influence of a controlled substance or alcohol; providing for the distribution of the funds collected; providing for the creation of the Alabama Chemical Testing Trust Fund Advisory Board and the Alabama Chemical Testing Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 for the 1996 fiscal year.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**S. 353.** To provide for forfeiture of a motor vehicle driven by a person who in the commission of a crime involving the use of a deadly weapon fired or otherwise used within or from the motor vehicle; to establish a procedure for forfeiture and the limitation on the sums generated from the forfeiture; and to provide certain exceptions for family hardship cases.

By Senator Freeman:

**S. 368.** To amend Section 32-7-5 and Section 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

By Senators Smitherman, Escott-Russell, and Langford:

**S. 393.** To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

Senator Bedford, Chairperson of the Standing Committee on Judi-

ciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Substitute):

**S. 408.** Amending Sections 30-5-10 and 30-5A-3, Code of Alabama 1975, relating to protection orders in certain instances regarding domestic violence; providing certain criminal penalties for violating such an order.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 414.** Relating to the Legislative Reference Service, specifying that certain communications are privileged; specifying those actions which constitute a waiver of this privilege; and amending Section 29-7-6 of the Code of Alabama 1975.

By Senator Bedford:

**S. 444.** To amend Section 13 of Act No. 94-804 of the 1994 First Special Session, now appearing as Section 36-18-32 of the Code of Alabama 1975; to create the Judicial Education Trust Fund and the Sheriffs' Education Trust Fund; to increase the assessment fee on certain municipal, district, and circuit court cases and to specify the distribution and use of the fees; and to make appropriations for the fiscal year ending September 30, 1995.

By Senator Bailey:

**S. 116.** To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

By Senator Ghee:

**S. 192.** To amend Section 28-3A-4 of the Code of Alabama 1975, relating to the Alcoholic Beverage Control Board and certain licenses to sell alcoholic beverages; to require a licensee who sells alcoholic beverages for on-premises consumption to secure and maintain liability insurance.

By Senator Dixon:

**S. 233.** To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to provide that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

By Senator Freeman:

**S. 291.** To amend Section 32-5A-191 of the Code of Alabama 1975, relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a school bus or day care driver who has more than .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

By Senator Ghee:

**S. 311.** To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-652, S. 280, 1994 Regular Session (Acts 1994, p. 1243) relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

By Senators Bedford, Roberts, Smitherman, and Windom:

**S. 333.** Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

By Senator Bedford:

**S. 334.** To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.



By Senators Bailey, Waggoner, Armistead, Hill, Adams, Smith, Freeman, Little, Denton, Hale, Windom, Myers, Lipscomb, Butler, Davidson, Dial, and Amari:

**S. 338.** To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-652, S. 280, 1994 Regular Session (Acts 1994, p. 1243), relating to driving under the influence of alcohol and drugs; to reduce the blood alcohol level necessary to create the presumption of driving under the influence from 0.10 percent or more by weight of alcohol to 0.08 percent and to increase the fine for each conviction.

By Senators Steele, Clay, Davidson, Sanders, and Smitherman:

**S. 344.** To amend Section 8-8-11 of the Code of Alabama 1975, to provide that when a partial payment is made on a judgment for child or spousal support, including medical support, the payment shall be applied first to the principal due and the balance of the payment, if any, would be applied to the payment of the interest.

By Senator Little:

**S. 385.** To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain provisions shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford:

**S. 109.** To amend Sections 36-21-44, 36-21-45, and 36-21-46 of the Code of Alabama 1975, relating to the Peace Officers' Standards and

Training Commission, to provide further for the powers, duties, functions, and allowances of the commission; and to provide further for the minimum standards of law enforcement officers.

By Senator Windom:

**S. 221.** To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

By Senator Figures:

**S. 328.** To provide for an energy and weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

By Senator Waggoner:

**S. 341.** To amend Section 41-15-4 of the Code of Alabama 1975, to allow the State Insurance Fund to arrange for the salvage and sale of property and fixtures for which it has paid the insured value after a loss.

By Senator Butler:

**S. 352.** To allow distinctive motor vehicle license tags for non-profit community and service organizations desiring to apply for issuance of a special license tag; to provide for the distribution of the issuance fees.

By Senators Dixon and Barron:

**S. 400.** To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles; to authorize the issuance and sale of the personalized license tags for motorcycles and motor-driven cycles.

By Senators Windom and Bedford:

**S. 405.** To amend Section 1 of Act No. 94-614, S. 375, 1994 Regular Session (Acts 1994, p. 1132), now appearing as Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

By Senator Ghee:

**S. 434.** To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

By Senator Mitchell:

**S. 430.** Providing further for the office of the Attorney General by amending Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-10, 36-15-10.1, 36-15-11.1, 36-15-21, and 36-15-60 of the Code of Alabama 1975, relating to the duties, personnel, and certain funds of the office and repealing Sections 36-15-2, 36-15-4, 36-15-7, 36-15-8, 36-15-11, 36-15-18, and 36-15-20 of the Code of Alabama 1975.

By Rep. Flowers:

**H. 27.** To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

By Reps. McMillan, Gaston, Carter, and Papucci:

**H. 150.** To define the duties of real estate licensees when deal-

**12th Day**

ing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 103.** To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an initiative or referendum subject to the same limitations imposed on the Legislature with certain exceptions.

The above Bill was read a second time at length as required by the Constitution.

By Senators Lipscomb, Armistead, Adams, Butler, Dial, Davidson, Steele, and Denton:

**S. 126.** To amend Section 17-22A-18, Code of Alabama 1975, to prohibit a political committee from transferring any contribution to any other political committee.

By Senators Ghee and Little:

**S. 201.** Providing for absentee ballots to be mailed to physically incapacitated absentee voters before an election.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Substitute):

**S. 424.** To further provide for the management of Alabama's

marine resources; to amend Section 9-12-113, Code of Alabama 1975, relating to certain licenses for nets and seines, so as to further provide for certain fees, to provide for certain additional requirements to be licensed, to specify certain saltwater game fish, and to provide for a point system whereby the license shall be revoked under certain circumstances; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to require their filing on a monthly basis; to require all saltwater fish and seafood products harvested to be landed in Alabama; and to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further provide for certain lengths thereof; and to provide misdemeanor penalties for violations.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson (R):

**H. 190.** To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 or Class 8 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

By Rep. Turner:

**H. 367.** To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford, Windom, Barron, and Waggoner (With Amendment):

**S. 474.** To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama

where the bank or bank holding company owns more than 50 percent of the stock of the corporation; to provide further for the determination of the amount of capital employed by a bank or bank holding company in the State of Alabama; and to provide for a retroactive effective date.

Senator Roberts, Chairperson of the Standing Committee on Industrial Development and Recruitment, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hooper, Carter, Clark (J), Turner, Jorgensen, Dukes, Sanderford, Graham, Carns, Townsend, Hinshaw, Papucci, Haney, Gipson, Robinson, Melton, Laird, Burke, McKee, Guin, Sims, Seibenhener, Moore, McMillan, Parker (T), Newton (C), Venable, Hammett, Flowers, White, Box, Maull, Boyd, Crigler, Baker, Wren, Hamilton, Carothers, Johnson (E), Clouse, and Houston:

**H. 438.** To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit

**12th Day**

authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

**S. 43.** To amend Section 40-12-262 of the Code of Alabama 1975, to exempt from payment of the temporary trip permit fee and the vehicle registration fee, a vehicle used for trips into and out of this state for the exclusive purpose of warranty repairs at a motor vehicle dealership or at a licensed motor vehicle repair facility in this state under certain conditions.

By Rep. Warren:

**H. 48.** To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Guin, Crigler, Hooper, Gipson, Sanderford, Townsend, Laird, and Turner (With Amendment):

**H. 195.** Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Sen-

ate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Knight (A):

**H. 500.** To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 467.** To state the legislative intent; to define terms used in this act; to designate the Board of Nursing as the sole state authority to establish the qualifications necessary for a registered nurse to be certified as an advanced practice nurse; to authorize the Board of Nursing to adopt rules and regulations governing the certification of the advanced practice nurse; to provide that the State Board of Medical Examiners and the Board of Nursing shall regulate the collaborative practice of physicians and advanced practice nurses which includes certified registered nurse practitioners and certified nurse midwives, to require persons wishing to engage in those two categories of advanced practice nursing to be certified by the Board of Nursing and practice in accordance with protocols approved by the State Board of Medical Examiners and the Board of Nursing to recommend rules and regulations to govern the collaborative relationship between physicians and those two categories of advanced practice nurses; to authorize two categories of advanced practice nurses to prescribe legend drugs; to specify prohibited acts; to establish requirements for disciplinary actions to be initiated by the State Board of Medical Examiners and the Board of Nursing; and to authorize the State Board of Medical Examiners and the Board of Nursing to seek a civil injunction against any person engaged in advanced practice nursing in violation of this act.

By Reps. Hawkins and Fuller:

**H. 68.** Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.



Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 394.** To transfer the LaGrange Historical Site owned by the Alabama Historical Commission to the LaGrange Living Historical Association.

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Lindsey, Carter, Penry, Turner, Letson, Millican, Laird, Gaines, McMillan, Hooper, Hamilton, Haney, Dean, Hall (A), Warren, Papucci, Sims, Dolbare, Allen, McKee, Murphree, Curry, Sander-son, Petelos, Collins, Galliher, Graham, Burke, Layson, and Mor-ri-son (With Amendment):

**H. 181.** To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

Senator Langford, Chairperson of the Standing Committee on Tourism and Marketing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Knight (A):

**H. 356.** To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

Senator Adams, Chairperson of the Standing Committee on Veterans and Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favor-

able report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial:

**S. 375.** To require that representatives of the United States Armed Services be allowed reasonable access at public institutions of higher education in this state for recruitment purposes.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Freeman:

**S. 31.** Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Substitute):

**S. 50.** To amend Section 32-6-62 of the Code of Alabama 1975, relating to license plates for private passenger automobiles and pickup trucks, to provide that license plates for private passenger automobiles and pickup trucks would be valid for seven years.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Lipscomb, Armistead, Adams, Bailey, Dial, Hill, Davidson, Hale, Denton, Waggoner, and Smith:

**S. 127.** Amending Section 126 of the Constitution of Alabama

of 1901, relating to the power of the Governor to approve or disapprove items of an appropriation bill, specifying that if an appropriation bill is presented to the Governor within five days before final adjournment of the Legislature, the Governor may, within 10 days after final adjournment, approve, reduce, or disapprove any item or items of the appropriation bill, and the parts approved or reduced are the law and the parts disapproved are void; specifying the procedure; and specifying that these powers are in addition to certain other powers of the Governor.

The above Bill was read a second time at length as required by the Constitution.

By Senator Lindsey:

**S. 239.** To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

By Senator Denton:

**S. 300.** To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the

judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

**S. 399.** To amend Section 9-15-10, Code of Alabama 1975, to require that any institution or department of the State notify the Department of Conservation and Natural Resources at least 30 calendar days prior to the completion of any transaction involving the lease, sale or other disposition of land owned by such institution or department; to require that a transaction summary be provided to the Department of Conservation and Natural Resources; and to exempt the Department of Revenue and the Department of Transportation.

Senator Windom, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Notice and Proof):

**S. 451.** Relating to Mobile County; amending Act No. 90-697, H. 991, 1990 Regular Session, which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### **SR 74. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bill shall be the paramount and continuing order of business upon reaching bills on third reading for the Twelfth legislative day of the 1995 Regular Session

and for each day thereafter taking precedence over all other business until disposed of:

**H. 135**

Ethics Law, substantially alt., Secs. 36-25-1 to 36-25-24, inclusive, 36-25-26 to 36-25-30, inclusive, am'd., Sec. 36-25-25 repealed

Page  
63

**MOTION TO ADJOURN LOST**

At 4:50 P.M., Senator Clay moved that the Senate adjourn, which motion was lost.

**FURTHER CONSIDERATION OF SR 74**

The Senate proceeded to further consideration of the Resolution, SR 74.

On motion of Senator Lindsey, the Resolution was adopted by the Senate.

**RESOLUTIONS**

Senators Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 75. COMMENDING "SKATE THE STATE" PARTICIPANTS.**

WHEREAS, In-line skating is the fastest growing sport in America. There is a marked increased in activity in 'higher risk' sports such as bicycling, in-line skating and skateboarding during spring. With this comes an increase in skating and bicycling injuries, including head injuries; and

WHEREAS, In 1994 there were 73,000 trips to emergency medical facilities due to in-line skating accidents. The Consumer Product Safety Commission issued a report suggesting a dramatic rise in the number of in-line skating injuries - up to 15 million. Without a helmet, skaters are nine times more likely to suffer a head injury; and

WHEREAS, Bikes are owned by 30% of the population. Approximately eighty to ninety percent of children own a bike by the time they are in second grade. The main barriers to youngsters' helmet use are parents' lack of awareness of the need, cost and peer pressure. Fewer than ten percent of all cyclists wear helmets and fewer than two percent under age fifteen wear them; and

WHEREAS, The annual societal cost of bicycle-related injuries and deaths is approximately eight billion dollars. According to the Centers for Disease Control in Atlanta, from 1984-1988, universal use of helmets by all bicyclists could have prevented as many as 2500 deaths and 757,000 head injuries (one death every day and one head injury every four minutes); and

WHEREAS, Three in-line skaters will skate over 500 miles north to south across Alabama, from Huntsville to Mobile, promoting proper skating and bicycling technique and safety. The Alabama Power In-line Racing Team will skate to creatively promote road safety and safety helmets through high school and middle school presentations and editorial opportunities; and

WHEREAS, May 12-27, 1995, skaters will spend fifteen days on the road, skating an average of forty miles per day. May 22-27, 1995, is Buckle Up America Week, and skaters will arrive on the coast Memorial Day Weekend, one of the highest risk times of the year; and

WHEREAS, Three men from Birmingham who skate together through Skate Sport South make up The Alabama Power In-line Racing Team: Rene Ferrier is a native South American now in Birmingham, who formerly skated in New York's Central Park. Trevor C. Hale organized the promotion, and works as public relations manager at SlaughterHanson in Birmingham. Dano Loudon started Skate Sport South and is an avid promoter of in-line speed skating and in-line hockey. All three completed last year's Athens To Atlanta 85 mile in-line marathon; and

WHEREAS, The Alabama Department of Transportation, Alabama Power, Roces, D. B. Enterprises, Kryptonics, RUST International, Twin Cam, Cahaba Cycles, Birmingham Two Way, SlaughterHanson, BellSouth Mobility and AAA are helping sponsor Skate The State;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we recognize the importance of safety and commend the Skate The State participants and sponsors for their initiative and effort in promoting safety helmet awareness in such a creative manner, and furthermore direct

that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Lindsey, Windom, Little, Hill, and Lipscomb offered the following Senate Joint Resolution, to-wit:

**SJR 76. COMMENDING CHARLES D. KELLEY OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature honors Charles D. Kelley of Montgomery, Alabama, for 40 years of outstanding service with the Department of Conservation and Natural Resources; and

WHEREAS, serving as Director of the Game and Fish Division for the past 34 years, Charles Kelley has made invaluable contributions to the State of Alabama through his innovative ideas which have promoted the state's hunting and fishing to multi-million dollar industries; led to the legendary rebirth of the deer population; and have attracted outdoorsmen from across the U.S. to venture to Alabama to play; and

WHEREAS, the longest tenured Game and Fish Director in the U.S., Charles Kelley has served as Commissioner of the Department of Conservation and Natural Resources, President of International Association of Fish and Wildlife Agencies, and Vice-President of the National Wildlife Federation, among others too numerous to mention; and

WHEREAS, in recognition of his tremendous accomplishments, Charles has been the recipient of numerous honors such as the Alabama and National Conservationist of the Year Award, the Executive of the Year Award by the Capital City Chapter of Professional Secretaries International, and the C. W. Watson Award from the Southern Association of Fish and Wildlife Agencies, to name but a few; and

WHEREAS, Charles Kelley, who earned a Bachelor's degree from Auburn University, has also enjoyed a distinguished military career spanning almost fifty years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and paramount praise to Charles D. Kelley of Montgomery, Alabama, for 40 years of outstanding service with the Department of

Conservation and Natural Resources, and do furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

BE IT FURTHER RESOLVED, That we hereby request the Commissioner of Conservation and Natural Resources to assign Charles D. Kelley to represent the department during legislative sessions.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Armistead offered the following Senate Joint Resolution, to-wit:

**SJR 77. DESIGNATING JUNE 1995 AS FATHERHOOD MONTH IN THE STATE OF ALABAMA.**

WHEREAS, the health of a nation and the well-being of the cities and communities that constitute the State of Alabama and the United States of America are intimately associated with the well-being of families; and

WHEREAS, the well-being of the family, and the health and happiness of the children that dwell within them are intimately associated with the presence and participation of fathers in the home; and

WHEREAS, fathers play an irreplaceable role in the lives of children, through leadership and love, gentle encouragement and wise discipline, and their daily and enduring example; and

WHEREAS, fathers provide their daughters with their original understanding of masculine prudence and protection, and their sons with the original understanding of self-restraint and patient labor; and

WHEREAS, social and economic forces have combined to place great stress on the family, lending even greater significance to the qualities of perseverance and service in the paternal role; and

WHEREAS, the absence of fathers, through the failure of families to form, or the breakdown of existing families, is at record levels in America; and

WHEREAS, Alabama ranks 45th among the states in the percentage of births to single teenage mothers, as well as 45th among the states in the percentage of children living in single-parent households; and

WHEREAS, it is in the interest of the State of Alabama, and its



## 12th Day

citizens who believe in family values, to honor fathers, to reinforce them in their natural duty, and to remind all institutions of their responsibility to honor and encourage fathers in their essential and honorable tasks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and designate June 1995 as Fatherhood Month in Alabama, and do further urge all public and private institutions, civic organizations, and every person of good will within the State of Alabama to observe this occasion, and the fathers of the state to reflect anew upon their unique and deeply appreciated contributions to their families, state and nation, and to rededicate themselves to the valuable work of fatherhood.

On motion of Senator Armistead, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Amari offered the following Senate Resolution, to-wit:

**SR 78.** COMMENDING BOBBIE JAMES FOR HER SUPPORT OF SCHOOL PRAYER AND OPPOSITION TO GAMBLING.

WHEREAS, Bobbie James, Alabama's First Lady and wife of our Honorable Governor James has been recognized for her strong public stance in favor of Judeo-Christian values, and

WHEREAS, the Ten Commandments, recognized by both the Jewish and Christian faiths, require reverence for and prayer to God and personal truthfulness and condemn bearing false witness; and,

WHEREAS, Bobbie James has been publicly criticized for her personal religious beliefs supporting school prayer and opposing gambling; now therefore

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we commend Mrs. James for her deep personal faith and hereby encourage her to continue to set an example for all Alabamians by speaking out publicly about her belief in prayer and other vital issues of the day.

On motion of Senator Amari, the Resolution was adopted by the Senate.

Senators Butler, Freeman, Denton, Roberts, Barron, Bedford, Mitchem, and Hale offered the following Senate Joint Resolution, to-wit:

**SJR 79.** URGING THE PRESIDENT AND THE UNITED

STATES CONGRESS TO SUPPORT THE CONTINUING EXISTENCE  
OF THE NATIONAL WEATHER SERVICE STATION IN HUNTS-  
VILLE, ALABAMA.

WHEREAS, the National Weather Service Station office located in Huntsville, Alabama, has proven to be a valuable resource in protecting the lives of citizens in all North Alabama counties against threatening weather; and

WHEREAS, severe tornadoes recently caused extensive destruction in the northern town of Arab, Alabama, and on May 18, 1995, as the result of severe weather in northern Alabama, large portions of Madison, Limestone, Colbert, and other counties suffered loss of life and immense and far-reaching property destruction; and

WHEREAS, if the impending 1995 closure of the Huntsville office of the National Weather Service comes to fruition, the devastating repercussions to the North Alabama area will include the loss of the radar capabilities of the station, the loss of the expertise of the staff of meteorologists that man the station, and reduced effectiveness in the area for tracking violent storm cells; and

WHEREAS, the Huntsville station has consistently provided the citizens of the Northern Alabama counties with reliable advanced warning of severe weather where immediate action on the part of the citizenry was required to find shelter to avoid the loss of life and limb when confronted with approaching violent storms and tornadoes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly encourage the President and the United States Congress to support the National Weather Station office in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Clinton and each member of the Alabama Congressional Delegation.

On motion of Senator Freeman, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders offered the following Senate Joint Resolution, to-wit:

**SJR 80.** HONORING THE REVEREND CHARLES A. LETT, JR., FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, it is with utmost pride that the Legislature of Ala-

bama extends highest acclaim to Reverend Charles A. Lett for tremendous contributions and dedication as a pastor of God; and

WHEREAS, the son of the late Charles A. Lett, Sr., and Elizabeth Lett, Charles is the pastor of Calvary Missionary Baptist Church, where he has embodied all those fine qualities of leadership and guidance; and

WHEREAS, Reverend Lett earned both Bachelor of Arts and Bachelor of Divinity degrees from Selma University, and a certificate to teach at Alabama State Teachers College, which he utilized as a teacher in Baldwin County, at Selma University, and as principal of Douglasville High School; and

WHEREAS, also the recipient of Doctor of Divinity and Doctor of Laws degrees, Reverend Lett has pastored churches in Baldwin, Monroe, and Escambia Counties, and at Green Street Baptist Church in Selma, Alabama; and

WHEREAS, serving as President of the Selma City School Board, local NAACP, Selma Interracial Alliance, and the Southwest District State Convention, Reverend Lett has made many invaluable contributions to all areas of community life and is well deserving of this special recognition; and

WHEREAS, Reverend Lett, along with his devoted wife of 56 years, Minnie Thomas, are the proud parents of two sons, William Cedric and Charles Lebarron; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby accord highest commendation to The Reverend Charles A. Lett, Jr., pastor of Calvary Missionary Baptist Church, in honor of his countless and notable contributions to the well being of our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Reverend Lett as evidence of our great appreciation and esteem.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint

Resolutions and returns same herewith to the Senate:

**SJR 62.** URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

Also:

**SJR 66.** COMMENDING THE MONTGOMERY ACADEMY FORENSICS TEAM FOR OUTSTANDING ORATORY.

Also:

**SJR 70.** HONORING THE MONTGOMERY HOUSING AUTHORITY YELLOW JACKETS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 71.** HONORING JAY WAGGONER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 72.** RENAMING I-459 IN JEFFERSON COUNTY THE JOHN M. HARBERT FREEWAY.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 46.** To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

GREG PAPPAS,  
Clerk.

**BUDGET ISOLATION RESOLUTION**

Senator Davidson, B.I.R., SB 15, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 15.** Relating to Walker County, to propose an amendment to the Constitution of Alabama of 1901, providing further powers and authority to purchase, lease, or acquire land for the development of industrial sites and industrial park projects.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Hale, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Steele-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., SB 433, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Biddle, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 433.** Relating to Morgan County, to propose an amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to continue to levy a county-wide 4.3 mill and 1.5 mill ad valorem tax as originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of all public schools in Morgan County.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Ghee, Hale, Hill, Lindsey, Little, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., SB 438, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Myers, Roberts, Smitherman, Steele, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 438.** Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to ex-

**12th Day**

pire on September 30, 1995, for the benefit of the Hartselle city schools.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., SB 440, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Dial, Escott-Russell, Figures, Hale, Hill, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, and Waggoner -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 440.** Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a 3.6 mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the Decatur public schools.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson,

**12th Day**

Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Lindsey, McClain, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Roberts, B.I.R., SB 441, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hill, Lindsey, Lipscomb, McClain, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 441.** Relating to Morgan County, to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967 and scheduled to expire on September 30, 1995, for the benefit of the schools under the jurisdiction of the Morgan County Board of Education.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Sanders, Waggoner, and Windom -25

Nays: - 0



**FURTHER CONSIDERATION OF SB 416**

Senator Smitherman requested and received permission to suspend the Rules in order to bring up the Bill:

**S. 416.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the city.

The question was on the Smitherman and McClain substitute, which was offered and postponed temporarily on the Eighth Legislative Day.

On motion of Senator Smitherman, said substitute was laid on the table.

Senator Smitherman then offered the following substitute, for the Bill, SB 416, to-wit:

**SMITHERMAN SUBSTITUTE FOR SB 416**

**A BILL  
TO BE ENTITLED  
AN ACT**

Proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the city in Jefferson County except that portion of the city which lies south of the Birmingham Water Works on Highway 280.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

**PROPOSED AMENDMENT**

Notwithstanding any other provisions of this constitution or any other laws, the Birmingham City Council may license and regulate bingo operations for charitable purposes or otherwise within the corporate limits of the City of Birmingham in Jefferson County except that portion of the city which lies south of the Birmingham Water Works on Highway 280. The authorization provided by this amendment shall include the power to adopt an ordinance to set and collect licensing fees for the bingo operations, provide for prizes, prescribe penalties for violations of bingo regulations, and provide for the distribution of proceeds from the bingo operations.

Section 2. An election upon the proposed amendment shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

“Relating to Jefferson County, proposing an amendment to the Constitution of Alabama of 1901, authorizing the Birmingham City Council to provide for bingo operations for charitable purposes or otherwise within the corporate limits of the city in Jefferson County except that portion of the city which lies south of the Birmingham Water Works on Highway 280.

Proposed by Act \_\_\_\_\_”

This description shall be followed by the following language:

“Yes ( ) No ( ).”

Which was adopted.

Yeas 16 Nays 0  
Abstaining 4

Yeas:

Senators:

Bailey, Biddle, Butler, Davidson, Escott-Russell, Figures, Freeman, Hale, Lindsey, McClain, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -16

Nays:

- 0

Abstaining:

Senators:

Adams, Bedford, Denton, and Little

- 4

On motion of Senator Smitherman, the Rules were suspended and further consideration of the Bill, SB 416, and pending substitute, was postponed subject to the call of the Chair.

## BILLS ON THIRD READING RESUMED

THE BILL:

**H. 73.** Relating to Etowah County; levying a sales and use tax

effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

was taken up.

On motion of Senator Smitherman, the Rules were suspended and further consideration of the Bill, HB 73, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Roberts, B.I.R., HB 78, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Freeman, Ghee, Hale, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**H. 78.** Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Freeman, Hill, Lindsey, McClain, Mitchell, Mitchem,

Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Roberts, B.I.R., HB 86, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, and Waggoner -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 86.** Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Barron, Bedford, Butler, Clay, Denton, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Steele, B.I.R., HB 88, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Lipscomb, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 88.** Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Poole, B.I.R., HB 418, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Denton, Dial, Escott-Russell, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 418.** Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the

fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

was read a third time at length and passed.

Yeas 25   Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Steele, and Windom -25

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hogan and Box:

**H. 114.**    Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 114 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Box:

**H. 118.**    Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Board for Registration of Architects.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 118 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Holmes and Box:

**H. 117.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 117 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Holmes and Box:

**H. 116.** Relating to the Alabama Sunset Law; to continue the

existence and functioning of the State Licensing Board for General Contractors.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 116 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hall (A) and Box:

**H. 113.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 113 - to the Committee on Fiscal Responsibility and Accountability



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Box:

**H. 112.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 112 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hogan and Box:

**H. 115.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 115 - to the Committee on Fiscal Responsibility and Accountability

### BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., HB 135, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

### SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

**H. 135.** To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is re-

quired to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 46.** To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

PAT LINDSEY,  
Chairperson.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 265.** Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11, 17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to prescribe penalties for violations of this act; and to make an appropriation.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Resolutions, and finds same correctly enrolled, to-wit:

**SJR 62.** URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

Also:

**SJR 66.** COMMENDING THE MONTGOMERY ACADEMY FORENSICS TEAM FOR OUTSTANDING ORATORY.

Also:

**SJR 70.** HONORING THE MONTGOMERY HOUSING AUTHORITY YELLOW JACKETS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 71.** HONORING JAY WAGGONER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 72.** RENAMING I-459 IN JEFFERSON COUNTY THE JOHN M. HARBERT FREEWAY.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 73

Delivered to the Governor on May 30, 1995, at 4:22 P.M.

SB 46      SJR 62      SJR 66      SJR 70      SJR 71      SJR 72

Delivered to the Governor on May 30, 1995, at 6:45 P.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 5:45 P.M., on motion of Senator Bedford, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, HB 135, the Senate adjourned until Thursday, June 1, 1995, at 10 o'clock A.M.

## **THIRTEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 1, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Mr. Martel Pace, Minister, College Church of Christ, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Valerie Paseur, Saint Joseph School, Florence, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-33

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senators Clay and Langford for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 59.** To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 216.** RELATIVE TO MEETING DAYS.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 216, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.



**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**H. 78.** Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

Also:

**H. 86.** Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

Also:

**H. 88.** Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

Also:

**H. 418.** Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**INTRODUCTION OF BILLS**

Upon the call of districts, the bill was introduced, read one time, and referred to appropriate standing committee, as follows:

By Senator Bedford:

**S. 500.** To amend Sections 11-52-72, 11-52-73, and 11-52-75 of the Code of Alabama 1975, relating to the zoning power of municipalities, to allow certain single-family manufactured homes to be placed in a district zoned for single-family residences subject to land use regulations applicable to all other single-family residences on individual lots in the district.

Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hooper, Wren, McMillan, Carns, Jorgensen, Clouse, Hawkins, Haney, Gaines, Sanderford, Townsend, Curry, Seibenhener, Dean, Penry, Moore, Rogers (M), Sims, Pringle, McKee, Sanderson, Hill, Knight (A), Thomas (D), Maull, Baker, Dolbare, Minnifield, Gipson, Guin, and Morton:

**H. 470.** To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to provide immunity for teachers and administrators who report suspected drug abuse; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 26 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy; to provide for immunity for other duly authorized school personnel.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 470 - to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Guin, Millican, and Morrow:

**H. 166.** To amend Section 11-92A-5, Code of Alabama 1975, relating to the manner of appointing members of the board of directors of certain industrial development authorities to permit a county legislative delegation to make appointments to the authorities.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 166 - to the Committee on Industrial Development and Recruitment

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Wren, Hooper, McMillan, Sanderson, Seibenhener, Dean, Jorgensen, Clouse, Carns, Townsend, McKee, Hill, Thomas (D), Hawkins, Moore, Rogers (M), Sims, Sanderford, Pringle, Baker, Collins, Dolbare, Minnifield, and Gipson:

**H. 471.** To require that funding for benefits provided under the

Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 471 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Baker, Seibenhener, Minnifield, Knight (J), Johnson (E), Carothers, Thomas (J), Buskey, Dolbare, Maull, Boyd, Mitchell, and Hall (L):

**H. 353.** To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 353 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Turner, Hooper, Thomas (D), Knight (A), Sanderson, Hill, McKee, Jorgensen, Carns, Wren, McMillan, Pringle, Dean, Sanderford, Maull, Baker, Collins, Minnifield, Gipson, and Guin:

**H. 466.** To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; provide for the development of a character education program by the state and local boards of education; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 466 - to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Wren, Hooper, Penry, Clark (J), Hammett, Baker, Sims, McKee, Jorgensen, Clouse, Fuller, Flowers, Sanderford, Haney, Thomas (D), Laird, Vance, Seibenhener, Sanderson, Carns, Curry, Townsend, Gaines, Knight (A), Dean, Moore, Rogers (M), Pringle, Dolbare, Maull, Morton, Collins, Gipson, and Guin:

**H. 467.** To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 467 - to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. McKee, Carns, Hooper, Sanderford, Townsend, Seibenhener, Dean,

Penry, McMillan, Wren, Moore, Jorgensen, Maull, Baker, Dolbare, Collins, Pringle, Gipson, Guin, and Morton:

**H. 469.** To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 469 - to the Committee on Finance and Taxation Education

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Hooper, Thomas (D), Knight (A), Hill, McKee, Jorgensen, Fuller, Dean, Maull, Baker, Collins, Dolbare, Pringle, Clouse, Penry, Gipson, and Guin:

**H. 468.** To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sec-

tions 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 468 - to the Committee on Finance and Taxation Education

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers (With Notice and Proof):

**H. 564.** Relating to Pike County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act No. 80-112, H. 567 of the 1980 Regular Session (Acts 1980, p. 164).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 564, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.



**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 564 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ford, Page, and Galliher (With Notice and Proof):

**H. 545.** Relating to Etowah County; to provide for the establishment of the Etowah County Community Development Committee; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 545, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 545 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sims, Boyd, and Rogers (M) (With Notice and Proof):

**H. 554.** To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 554, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 554 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sims, Boyd, and Rogers (M) (With Notice and Proof):

**H. 553.** Relating to Calhoun County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 553, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 553 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (M):

**H. 180.** Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 180 - to the Committee on Judiciary

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Baker, Seibenhener, Clouse, and Carothers (With Notice and Proof):

**H. 472.** Relating to Houston County; to provide for the issuance of annual boat certificates of registration by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 472, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 472 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Baker, Carothers, Clouse, and Seibenhener:

**H. 351.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Houston

County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 351 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable (With Notice and Proof):

**H. 35.** Relating to Elmore County; amending Section 1 of Act No. 91-539, H. 1094, 1991 Regular Session, relating to the compensation of the coroner of Elmore County, to further provide for the compensation of the coroner and assistant coroners of Elmore County; and specifically repealing Act No. 83-691, H. 677 of the 1983 Regular Session, relating to the coroner's compensation.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 35, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 35 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

**H. 385.** To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies and toll bridges from the definition of public utility.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 385 - to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill and Knight (A):

**H. 109.** To propose an amendment to the Constitution of Alabama of 1901, for Shelby County, providing further for license taxes on certain real estate operations and transactions.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 109 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**REPORT FROM RULES**

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 216. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 8, 1995, they adjourn to meet again on Tuesday, June 13, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, June 14, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, June 15, 1995.

And on motion of Senator Figures, said Resolution, HJR 216, was concurred in and adopted by the Senate.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 59.** To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

PAT LINDSEY,  
Chairperson.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

**HJR 188. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 1, 1995, they adjourn to meet again on Tuesday, June 6, 1995, and when they adjourn on Tuesday they adjourn to meet again on Thursday, June 8, 1995.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Figures, the Rules were suspended and the Resolution, HJR 188, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 6, 1995, at 1 o'clock P.M., which motion was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and



ordered same sent forthwith to the Senate without engrossment:

By Reps. Ford and Galliher (With Notice and Proof):

**H. 603.** To propose an amendment to the Constitution of Alabama of 1901, for Etowah County, providing further for license taxes on certain real estate operations and transactions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 603, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 603 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry, Petelos, and Houston (With Notice and Proof):

**H. 549.** Relating to the City of Hueytown in Jefferson County; to provide for the abatement of nuisances in the form of certain weeds, objects, or unsafe structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

**13th Day**

ATTACHED TO THE BILL, HB 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Moore and Flowers (With Notice and Proof):

**H. 573.** Relating to the Twelfth Judicial Circuit of Alabama; authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new restitution recovery division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 573, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hill (With Notice and Proof):

**H. 596.** Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 596, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 549 - to the Committee on Local Legislation No. 2

HB's 573 and 596 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Haney, Papucci, Hinshaw, Allen, Townsend, Payne, Hawkins, Morton, and Carns:

**H. 453.** To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 453 - to the Committee on Small Business and Rural Development

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

**13th Day**

Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Laird:

**HJR 192.** MOURNING THE DEATH OF MARK WINDSOR OF ROANOKE, ALABAMA.

Also:

By Reps. Jorgensen, Hinshaw, Haney, Sanderford, Carter, Hall (L), and Hammett:

**HJR 194.** EXPRESSING SYMPATHY AND SUPPORT FOR STORM VICTIMS IN NORTH ALABAMA.

Also:

By Reps. Mitchell, Kennedy, Clark (W), and Buskey:

**HJR 200.** MOURNING THE DEATH OF ANNIE PEARL RICHARDSON OF MOBILE, ALABAMA.

Also:

By Rep. Hogan:

**HJR 201.** RECOGNIZING AND COMMENDING THE JEFFERSON LOVELL CHAPTER #2575, UNITED DAUGHTERS OF THE CONFEDERACY, JASPER, ALABAMA.

Also:

By Rep. Venable:

**HJR 205.** COMMENDING THE TALLASSEE HIGH SCHOOL BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 192, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 194, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 200 and 205, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Davidson, the Rules were suspended and the Resolution, HJR 201, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Sanderford, Haney, Papucci, Hinshaw, Hall (A), and Hall (L):

**HJR 203.** COMMENDING NANCY CARTER BILLINGS OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Carter:

**HJR 209.** COMMENDING JANE WATKINS UPON HER RETIREMENT FROM CALHOUN COMMUNITY COLLEGE.

Also:

By Rep. Morrow:

**HJR 211.** COMMENDING THE FRANKLIN COUNTY SHERIFF'S DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Graham and Hall (A):

**HJR 212.** COMMENDING ANDREW OLIVER WHITE OF

DADEVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 203, 211, and 212, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 209, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. McKee:

**HJR 179.** COMMENDING ANITA TATUM FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

Also:

By Rep. Thomas (D):

**HJR 182.** COMMENDING NICOLETTE MOLENAAR OF HOLLAND, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Parker (T):

**HJR 184.** COMMENDING SUZANNE JACKSON CRUMP OF TUSCALOOSA, ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 179, 182, and 184, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**H. 135.** To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing

provisions; and repeal Section 36-25-25, Code of Alabama 1975.

The Standing Committee on Constitution, Campaign Finance, Ethics, and Elections reported the following substitute for the Bill, HB 135, to-wit:

### **SUBSTITUTE FOR HB 135**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this



bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

On motion of Senator Figures, said substitute was laid on the table.

Senator Figures then offered the following substitute for the Bill, HB 135, to-wit:

**FIGURES SUBSTITUTE FOR HB 135**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$50,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations

**13th Day**

of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor with the date and hour of delivery, to-wit:

SB 59

Delivered to the Governor on June 1, 1995, at 10:45 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**QUORUM CALL REQUESTED**

At 12:30 P.M., Senator Freeman requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Armistead, Bailey, Barron, Davidson, Denton, Escott-Russell, Figures, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Roberts, Sanders, and Smith -16

**ADJOURNMENT**

At 12:35 P.M., in the absence of a quorum, the President and Presiding Officer of the Senate declared the Senate adjourned, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, HB 135, the Senate adjourned until Tuesday, June 6, 1995, at 1 o'clock P.M.

# **FOURTEENTH LEGISLATIVE DAY**

**TUESDAY, JUNE 6, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

## **PRAYER**

The Session was opened with prayer by the Reverend Calvin Cochran, Associate Minister, Hutchinson Missionary Baptist Church, Montgomery, Alabama.

## **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Andrew Ellington Spears, Greenville Middle School, Greenville, Alabama.

## **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

## **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

## **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Bedford for today.

**REPORTS OF COMMITTEES**

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Box (With Substitute):

**H. 112.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors.

By Reps. Hall (A) and Box (With Substitute):

**H. 113.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hogan and Box:

**H. 114.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with

a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hogan and Box (With Substitute):

**H. 115.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holmes and Box:

**H. 116.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Holmes and Box (With Substitute):

**H. 117.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board.

By Rep. Box (With Substitute):

**H. 118.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects.

## NOTICE IN WRITING

Senator Figures offered the following Notice in Writing, to-wit:

## NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Amend Senate Rule 3 by adding a sentence at the end of the rule as follows:

The originator of the quorum call shall be counted in determining a quorum present whether or not he or she be on the floor at the time of the quorum call.

Which was read and ordered filed with the Secretary.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Windom:

**S. 501.** Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

Committee on Judiciary

By Senator Mitchell:

**S. 502.** To provide for the Uniform Partnership Act of 1995 with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to

other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of January 1, 1996.

Committee on Governmental Affairs

By Senator Denton:

**S. 503.** To amend Sections 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-7, 40-17-9, 40-17-14, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, relating to motor fuel taxes, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not processed within 90 days; to impose a certain floor stocks tax on motor fuel on a certain date; to prescribe penalties for violations and to repeal Sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

Committee on Finance and  
Taxation General Fund

By Senator Denton:

**S. 504.** To amend Section 8-8-10, Code of Alabama 1975, relating to the interest paid on judgments, to further provide that judgments, with certain exceptions, shall bear interest at the same rate as the prevailing rate paid on 52-week United States Treasury bills.

Committee on Business and Labor

By Senators Little and Steele:

**S. 505.** To amend Sections 11-98-1 and 11-98-6, Code of Alabama 1975, which relate to emergency telephone service definitions, emergency telephone service charge, and restrictions on 911 use so as to further provide for 911 emergency telephone service; to provide legislative intent; to provide definitions; to provide certain regulations for shared tenant service type of telephone systems; to provide for the disbursement of certain

revenue received from wireless service providers; to provide for certain limitations on the liability of systems, their officers, directors, and employees; to provide for merging of certain local systems; and to repeal Section 11-98-5, Code of Alabama 1975, relating to the board of commissioners authority to levy a service charge.

Committee on Commerce,  
Transportation, and Utilities

By Senator Denton:

**S. 506.** Relating to county roads; to establish the Rural Access Program; to provide definitions; to create a fund in the State Treasury which shall be called the Rural Access Program Fund; to describe the sources of revenue for the fund; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Transportation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

Committee on Small Business  
and Rural Development

By Senator Little:

**S. 507.** To amend Section 26-10A-10, Code of Alabama 1975,



which provides for the persons whose consent or relinquishment is not required for an adoption, to include a father who has been convicted of rape in the first or second degree where the child was conceived as a result of the rape.

Committee on Governmental Affairs

By Senator Amari:

**S. 508.** To amend Section 28-6-4, Code of Alabama 1975, relating to excise tax on native farm wines to remove the exemptions for native wine produced for export.

Committee on Small Business  
and Rural Development

By Senator Amari:

**S. 509.** To make an appropriation from the Special Educational Trust Fund during the 1994-95 fiscal year in the amount of two hundred thousand dollars (\$200,000) to Ruffner Mountain Nature Center for certain educational purposes.

Committee on Finance  
and Taxation Education

By Senator Dixon:

**S. 510.** To require the State Department of Revenue to develop and implement by a certain date a system of procedures for a single filing and reporting by businesses of state and local sales and use taxes which the department is responsible for administering and collecting.

Committee on Small Business  
and Rural Development

By Senators Dixon, Butler, Hill, Little, Armistead, Dial, and Waggoner:

**S. 511.** To propose an amendment to the Constitution of Alabama of 1901, to provide that the people of the State of Alabama who are qualified electors may propose the repeal or enactment of general laws or constitutional amendments by an initiative or referendum, subject to the same limitations imposed on the Legislature.

Committee on Constitution, Campaign  
Finance, Ethics, and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Lindsey:

**S. 512.** Relating to business corporations; to repeal Section 10-2B-15.02, Code of Alabama 1975, which provides consequences for failure of foreign corporations to qualify with the Secretary of State before transacting business in Alabama, and to reinstate the penalties and consequences previously existing in Alabama for failure to so qualify.

Committee on Governmental Affairs

By Senators Smith, Dial, Adams, Biddle, Hale, Myers, Escott-Russell, Armistead, Roberts, Windom, Davidson, Dixon, Amari, Waggoner, Clay, Freeman, and McClain:

**S. 513.** To amend Section 32-5B-5 of the Code of Alabama 1975, relating to the penalty for violating the seat belt law; to provide that court costs will not be assessed.

Committee on Governmental Affairs

By Senator McClain:

**S. 514.** To amend Sections 11-65-5 and 11-65-7 of the Code of Alabama 1975, relating to racing commissions in Class 1 municipalities; to provide for penalties for failure to disclose family or business interests.

Committee on Economic  
Expansion and Trade

By Senator Sanders (With Notice and Proof):

**S. 515.** Relating to Lowndes County; providing the sheriff with an additional expense allowance and providing for a decrease in the expense allowance if the sheriff receives a raise in salary.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 515, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Sanders (With Notice and Proof):

**S. 516.** Relating to Lowndes County; providing further for the

expense allowance of the county coroner retroactive to July 24, 1991, and amending Section 1 of Act No. 91-327, S. 455 of the 1991 Regular Session (Acts 1991, p. 646), for that purpose.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 516, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Escott-Russell:

**S. 517.** To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

Committee on Health  
and Human Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 216.** RELATIVE TO MEETING DAYS.

Also:

**HJR 188.** RELATIVE TO MEETING DAYS.

GREG PAPPAS,  
Clerk.

### SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 179.** COMMENDING ANITA TATUM FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

Also:

**HJR 182.** COMMENDING NICOLETTE MOLENAAR OF HOLLAND, FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 184.** COMMENDING SUZANNE JACKSON CRUMP OF TUSCALOOSA, ALABAMA.

Also:

**HJR 192.** MOURNING THE DEATH OF MARK WINDSOR OF ROANOKE, ALABAMA.

Also:

**HJR 194.** EXPRESSING SYMPATHY AND SUPPORT FOR STORM VICTIMS IN NORTH ALABAMA.

Also:

**HJR 200.** MOURNING THE DEATH OF ANNIE PEARL RICHARDSON OF MOBILE, ALABAMA.

Also:

**HJR 201.** RECOGNIZING AND COMMENDING THE JEFFERSON LOVELL CHAPTER #2575, UNITED DAUGHTERS OF THE CONFEDERACY, JASPER, ALABAMA.

Also:

**HJR 203.** COMMENDING NANCY CARTER BILLINGS OF HUNTSVILLE, ALABAMA.

Also:

**HJR 205.** COMMENDING THE TALLASSEE HIGH SCHOOL BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 209.** COMMENDING JANE WATKINS UPON HER RETIREMENT FROM CALHOUN COMMUNITY COLLEGE.

Also:

**HJR 211.** COMMENDING THE FRANKLIN COUNTY SHERIFF'S DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 212.** COMMENDING ANDREW OLIVER WHITE OF DADEVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 75.** COMMENDING "SKATE THE STATE" PARTICIPANTS.

Also:

**SJR 76.** COMMENDING CHARLES D. KELLEY OF MONTGOMERY, ALABAMA.

**14th Day**

Also:

**SJR 77.** DESIGNATING JUNE 1995 AS FATHERHOOD MONTH IN THE STATE OF ALABAMA.

Also:

**SJR 79.** URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO SUPPORT THE CONTINUING EXISTENCE OF THE NATIONAL WEATHER SERVICE STATION IN HUNTSVILLE, ALABAMA.

Also:

**SJR 80.** HONORING THE REVEREND CHARLES A. LETT, JR., FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

GREG PAPPAS,  
Clerk.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**H. 135.** To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is re-

**14th Day**

quired to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

and pending Figures substitute, which said substitute was offered on the Thirteenth Legislative Day.

Senator Lindsey offered the following amendment to the substitute for the Bill, HB 135, to-wit:

**LINDSEY AMENDMENT TO  
SUBSTITUTE FOR HB 135**

On page 10, after line 8, insert the following language:

6. A person whose primary duties or responsibilities do not include lobbying, but who may, from time to time, organize social events for members of a legislative body to meet and confer with members of professional organizations and who may have only irregular contacts with members of a legislative body when the body is not in session or when the body is in recess.

Which was adopted.

Senator Bailey offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**BAILEY AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 7, line 1, delete the word "Public" and insert in lieu thereof:

The board members of public

On page 7, line 5, after the period, insert the following language:

Notwithstanding the foregoing, all employees, including contract employees, of governmental corporations and authorities are exempt from the provisions of this chapter.

On page 11, line 9, after the word “authorities” insert the following language:

, but excluding employees, including contract employees of those governmental corporations and authorities.

On motion of Senator Bailey, said amendment was laid on the table.

Senator Adams offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

#### **ADAMS AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 32, after line 11, insert the following language:

(g) No public official or public employee shall hold two offices of profit at one and the same time in this state. No public official or public employee shall receive two or more salaries, expense allowances, or other compensation when the salary, expense allowance, or other compensation is paid or payable from public funds. Any retirement income shall be exempt from the term compensation as used in this subsection.

On motion of Senator Figures, said amendment was laid on the table.

#### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 75. COMMENDING “SKATE THE STATE” PARTICIPANTS.**

Also:



**14th Day**

**SJR 76.** COMMENDING CHARLES D. KELLEY OF MONTGOMERY, ALABAMA.

Also:

**SJR 77.** DESIGNATING JUNE 1995 AS FATHERHOOD MONTH IN THE STATE OF ALABAMA.

Also:

**SJR 79.** URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO SUPPORT THE CONTINUING EXISTENCE OF THE NATIONAL WEATHER SERVICE STATION IN HUNTSVILLE, ALABAMA.

Also:

**SJR 80.** HONORING THE REVEREND CHARLES A. LETT, JR., FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

PAT LINDSEY,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**FURTHER CONSIDERATION OF HB 135**

The Senate proceeded to further consideration of the Bill, HB 135. The question was on the Figures substitute, as amended.

Senator Figures offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**FIGURES AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 42, line 5, after the language "any person" insert the following language:

who participates in the negotiation or approval of contracts, grants, or awards or any person

On page 42, line 5, after the language approves contracts,” insert:

grants, or awards

On page 42, line 6, after the language “a contract” insert the following:

grant, or award

Which was adopted.

Senator Barron offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**BARRON AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 32, after line 11, insert the following language:

(g) No public official or public employee shall hold two offices of profit at one and the same time in this state. No public official or public employee shall receive two or more salaries or expense allowances, when the salary or expense allowance is paid or payable from public funds. Any retirement income shall be exempt from the term compensation as used in this subsection.

On motion of Senator Figures, said amendment was laid on the table.

Senator Figures offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 135, to-wit:

**FIGURES AMENDMENT NO. 2 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

Amend the substitute, as amended, for HB 135 on page 42, line 15 after “or individual.” by inserting the following:

“(e) No former public official or public employee of the state may, within two years after termination of office or employment, act as attorney for any person other than himself or herself or the state, or aid, counsel, advise, consult or assist in representing any other person, in connection

with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and in which the former public official or public employee participated personally and substantially as a public official or employee or which was within or under the public official or public employee's official responsibility as an official or employee. This prohibition shall extend to all judicial proceedings or other matters in which the state is a party or has a direct and substantial interest, whether arising during or subsequent to the public official or public employee's term of office or employment."

Which was adopted.

Senator Bailey offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 135, to-wit:

**BAILEY AMENDMENT NO. 2 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 7, lines 1 and 2, delete the language "including but not limited to, hospitals or other health care corporations,"

On page 7, line 5, after the period, insert the following language:

Notwithstanding the foregoing, all employees, including contract employees, of hospitals or other health care corporations and authorities are exempt from the provisions of this chapter.

On page 11, line 9, after the word "authorities" insert the following language:

, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations,

Which was adopted.

Yeas 18 Nays 12

Yeas:

Senators:

Amari, Armistead, Bailey, Biddle, Butler, Clay, Figures, Hale, Lindsey, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Steele, and Waggoner  
- 18

Nays:

Senators:

Adams, Davidson, Denton, Dial, Dixon, Freeman, Ghee, Hill, Langford, Little, Mitchem, and Windom  
-12

Senator Figures offered the following amendment No. 3 to the substitute, as amended, for the Bill, HB 135, to-wit:

**FIGURES AMENDMENT NO. 3 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

Amend the substitute, as amended, for HB 135, on Page 18, Line 7, as follows:

after the word "official;" by striking the following language: ~~(2) a public employee; (3) a candidate; (4)~~ and inserting in lieu thereof as follows: (2) a candidate; (3)

Further amend the substitute, as amended, for HB 135, page 18, line 8, after the language "principal; or" by striking ~~(5)~~ and inserting in lieu thereof (4).

Which was adopted.

Yeas 27 Nays 5

Yeas:

Senators:

Bailey, Barron, Butler, Clay, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-27

Nays:

Senators:

Adams, Amari, Armistead, Davidson, and Lipscomb

- 5

Senator Figures then offered the following amendment No. 4 to the substitute, as amended, for the Bill, HB 135, to-wit:

**FIGURES AMENDMENT NO. 4 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 28, line 20, delete the word "first" and insert in lieu thereof:

:(1)

On page 28, line 23, after the word "charges" insert:

and (2) the director shall conduct a preliminary inquiry in order to make an initial determination that reasonable cause exists to conduct an

investigation. If the director determines reasonable cause does not exist, the charges shall be dismissed.

Which was adopted.

Senator Amari offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**AMARI AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 67, line 12, delete the language “three years” and insert in lieu thereof:

four years

On page 67, line 17, delete the language “two” and insert in lieu thereof:

four

Which was adopted.

Yeas 15 Nays 14

Yeas:

Senators:

Adams, Amari, Armistead, Davidson, Dixon, Freeman, Hale, Hill, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, and Waggoner -15

Nays:

Senators:

Bailey, Barron, Denton, Escott-Russell, Figures, Ghee, Langford, Lindsey, McClain, Mitchell, Sanders, Smitherman, Steele, and Windom -14

Senator Hale offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**HALE AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 42, after line 15, insert the following language:

(e) Nothing in this chapter shall be deemed to limit the right of a public official or public employee to publicly or privately express his or her support for or to encourage others to support and contribute to any candi-

**14th Day**

date, political committee as defined in Section 17-22A-2, referendum, ballot question, issue, or constitutional amendment.

Which was adopted.

Senator Hale offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 135, to-wit:

**HALE AMENDMENT NO. 2 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 58, line 13, after the word “quarter” by adding the following:

, excluding those financial transactions which are required to be reported by candidates under the Fair Campaign Practices Act as provided in Chapter 22A (commencing with Section 17-22A-1) of Title 17 of the Code of Alabama 1975

On page 58, line 20, after the word “candidate” add the following:

:provided, however, that campaign expenditures shall not be deemed a business association or partnership

Which was adopted.

Senator Dixon offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**DIXON AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 28, line 20, delete the word “first” and insert in lieu thereof:

:(1)

On page 28, line 23, after the word “charges” insert:

and (2) the director shall conduct a preliminary inquiry in order to make an initial determination that reasonable cause exists to conduct an investigation. If the director determines reasonable cause does not exist, the charges shall be dismissed, but such action must be reported to the commission.

Which was adopted.

Senator Adams offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 135, to-wit:

**ADAMS AMENDMENT NO. 2 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 32, after line 11, insert the following language:

(g) No public official or public employee shall hold two offices of profit at one and the same time in this state. No public official or public employee shall receive two or more salaries or expense allowances appropriated from state funds, or other compensation paid from state funds. Any retirement income shall be exempt from the term compensation as used in this subsection.

On motion of Senator Figures, said amendment was laid on the table.

Yeas 17 Nays 12  
Abstaining 2

Yeas:

Senators:

Bailey, Butler, Dixon, Escott-Russell, Figures, Ghee, Hale, Langford, Lindsey, McClain, Mitchell, Poole, Roberts, Sanders, Smitherman, Steele, and Waggoner  
-17

Nays:

Senators:

Adams, Amari, Armistead, Barron, Davidson, Dial, Hill, Lipscomb, Little, Mitchem, Myers, and Windom  
-12

Abstaining:

Senators:

Denton and Freeman  
- 2

Senator Steele offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**STEELE AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 25, lines 4 to 6, inclusive, delete the following language:

, or upon a complaint by the commission brought upon its own initiative by unanimous written consent of the commission members.

On page 28, lines 23 to 26, inclusive, delete the following language:

If a complaint is initiated by the commission, the complaint shall contain the charges against a respondent, and factual allegations which support those charges.

On page 29, line 1, after the period, insert the following language:

The commission is prohibited from initiating a complaint on its own volition.

Which was adopted.

Yeas 16 Nays 14

Yeas:

Senators:

Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, McClain, Roberts, Sanders, Smitherman, Steele, and Waggoner  
- 16

Nays:

Senators:

Adams, Armistead, Bailey, Butler, Dial, Dixon, Hill, Little, Mitchell, Mitchem, Myers, Poole, Smith, and Windom  
- 14

## **BAILEY AMENDMENT NO. 2 RECONSIDERED**

On motion of Senator Bailey, the Senate reconsidered the vote by which the Bailey amendment No. 2 to the substitute, as amended, for the Bill, HB 135, was adopted.

On motion of Senator Bailey, said amendment was laid on the table.

Senator Bailey then offered the following amendment No. 3 to the substitute, as amended, for the Bill, HB 135, to-wit:

## **BAILEY AMENDMENT NO. 3 TO SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 7, line 5, after the period, insert the following language:

Notwithstanding the foregoing, all employees, including contract employees, of hospitals or other health care corporations and authorities are exempt from the provisions of this chapter.



On page 11, line 9, after the word “authorities” insert the following language:

, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations.

Which was adopted.

Senator Myers offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**MYERS AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 8, Line 26, after the language “dollars (\$100)” insert the following language:

for a thing of value

Which was adopted.

Senator Little offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**LITTLE AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 20, line 22, after “director” insert:

, members of the commission,

On page 20, line 24, after “political activity” insert:

, including the making of campaign contributions,

Which was adopted.

Senator Freeman offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**FREEMAN AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 1, lines 26 to 29, inclusive, delete the language “specify

**14th Day**

when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate;”

On page 10, lines 17 to 27, inclusive, and on page 11, line 1, delete all the language in subdivision (20) and renumber subsequent subdivisions accordingly

On page 32, lines 23 to 27, inclusive, delete all the language

On page 33, lines 1 to 27, inclusive, and on page 34, lines 1 to 27, inclusive, delete all the language

On page 35, lines 1 to 5, inclusive, delete all the language

On motion of Senator Dial, said amendment was laid on the table.

Yeas 20 Nays 11

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Davidson, Dial, Dixon, Figures, Hill, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Steele, Waggoner, and Windom -20

Nays:

Senators:

Barron, Biddle, Butler, Clay, Escott-Russell, Freeman, Langford, Lindsey, McClain, Roberts, and Smitherman -11

**STEELE AMENDMENT  
RECONSIDERED**

Senator Waggoner moved that the Senate reconsider the vote by which the Steele amendment to the substitute, as amended, for the Bill, HB 135, was adopted.

Senator Sanders moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 12 Nays 18

Yeas:

Senators:

Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchem, Roberts, Sanders, Smitherman, and Steele -12

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Davidson,

Dial, Dixon, Ghee, Hill, Little, Mitchell, Myers, Smith, Waggoner, and Windom -18

The question recurred on the Waggoner motion that the Senate reconsider the vote by which the Steele amendment was adopted.

And said motion to reconsider was adopted.

Yeas 21 Nays 13

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Ghee, Hill, Lipscomb, Little, Mitchell, Myers, Poole, Smith, Waggoner, and Windom -21

Nays:

Senators:

Barron, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchem, Roberts, Sanders, Smitherman, and Steele -13

And said Steele amendment was again adopted.

Yeas 18 Nays 15

Yeas:

Senators:

Barron, Biddle, Clay, Denton, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchell, Myers, Roberts, Sanders, Smitherman, Steele, and Windom -18

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Butler, Davidson, Dial, Ghee, Hill, Lipscomb, Little, Mitchem, Poole, Smith, and Waggoner -15

Senator Escott-Russell moved that the Senate reconsider the vote by which the Steele amendment was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Senator Barron offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 135, to-wit:

**BARRON AMENDMENT NO. 2 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 31, line 26, delete the language "be presumed to"

On page 32, line 7, after the language "officer" delete the comma and insert in lieu thereof:

or

On page 32, line 7, delete the language ", or agent"

Which was adopted.

Senator Barron then offered the following amendment No. 3, to the substitute, as amended, for the Bill, HB 135, to-wit:

**BARRON AMENDMENT NO. 3 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 44, line 24, after the period insert the following language:

Notwithstanding the provisions of subsection (a) or any other provision of this act, no coach of an athletic team of any four-year institution of higher education which receives state funds shall be required to include any income, donations, gifts, or benefits, other than salary, on the Statement of Economic Interests, if the income, donations, gifts, or benefits are a condition of the employment contract.

Senator Little moved that said amendment be laid on the table, which motion was lost.

Yeas 11 Nays 20

Yeas:

Senators:

Adams, Amari, Butler, Clay, Denton, Figures, Ghee, Lipscomb, Little, Sanders, and Smith

-11

Nays:

Senators:

Bailey, Barron, Biddle, Davidson, Dial, Dixon, Escott-Russell, Hale, Hill, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Roberts, Smitherman, Steele, Waggoner, and Windom

-20

And said Barron amendment No. 3 was then adopted.

Yeas 16 Nays 14

Yeas:

Senators:

Bailey, Barron, Biddle, Davidson, Dial, Dixon, Hale, Langford, Lindsey,

McClain, Mitchell, Mitchem, Myers, Steele, Waggoner, and Windom -16

Nays:

Senators:

Amari, Armistead, Butler, Clay, Denton, Escott-Russell, Figures, Ghee, Hill,  
Lipscomb, Little, Roberts, Smith, and Smitherman -14

Senator Hale offered the following amendment No. 3 to the substitute, as amended, for the Bill, HB 135, to-wit:

**HALE AMENDMENT NO. 3 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 59, after line 3, insert the following:

“(c) Any other provision of this chapter to the contrary notwithstanding, no organization whose officer or employee serves as a public official under this chapter shall be required to report expenditures or reimbursement paid to such officer or employee in the performance of the duties with the organization.

Which was adopted.

Senator Little offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 135, to-wit:

**LITTLE AMENDMENT NO. 2 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 4, line 16, delete the language “Ten thousand dollars (\$10,000)” and insert in lieu thereof:

Twenty-five thousand dollars (\$25,000)

On page 4, line 22, after the word “office” insert the following language:

, excluding legislative office,

On page 4, after line 23, insert the following language:

“3. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to the Alabama Senate and five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to the Alabama House of Representatives.

**14th Day**

On page 4, line 24, delete the language “3.” and insert in lieu thereof:

“4.

Which was adopted.

Senator Lipscomb offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

**LIPSCOMB AMENDMENT TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 8, line 20 AND 21, delete the language “or reimbursement”

On page 10, after line 8, insert the following language:

“c. The term citizen lobbyist includes any person who only receives reimbursement for actual expenses incurred from another person, group, or entity to lobby.

On page 55, line 25, after the period insert the following language:

“Each citizen lobbyist shall pay an annual fee of fifty dollars (\$50) on or before January 31 of each year or within 10 days of the first undertaking requiring such registration.

On motion of Senator Lindsey, said amendment was laid on the table.

Senator Little offered the following amendment No. 3 to the substitute, as amended, for the Bill, HB 135, to-wit:

**LITTLE AMENDMENT NO. 3 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 31, line 12, after the language “by law” delete “or as provided” and insert in lieu thereof a period.

Also on page 31, delete lines 13 and 14 in their entirety.

Which was adopted.

Senator Adams offered the following amendment No. 3 to the substitute, as amended, for the Bill, HB 135, to-wit:

**ADAMS AMENDMENT NO. 3 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 32, after line 11, insert the following language:

(g) No public employee shall hold two offices of profit that are both funded from state appropriated funds. if the time of performance of duties required by one office conflicts with the time of performance of duties required by the other office.

On motion of Senator Mitchell, said amendment was laid on the table.

Senator Barron offered the following amendment No. 4 to the substitute, as amended, for the Bill, HB 135, to-wit:

**BARRON AMENDMENT NO. 4 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 31, line 12, after the language “provided by law” insert the following:

or as provided pursuant to a lawful employment agreement regulated by agency policy

Senator Little moved that said amendment be laid on the table, which motion was lost.

And said Barron amendment No. 4 was then adopted.

Yeas 22 Nays 2

Yeas:

Senators:

Bailey, Barron, Biddle, Davidson, Denton, Dial, Escott-Russell, Freeman, Ghee, Hale, Lindsey, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nays:

Senators:

Adams and Little

- 2

Senator Adams offered the following amendment No. 4 to the substitute, as amended, for the Bill, HB 135, to-wit:

**ADAMS AMENDMENT NO. 4 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

On page 36, after line 7, insert the following language:

(e) No state agency, department, board, authority, commission, or other public entity or any institution of higher education that receives public funds from whatever source may employ a contract lobbyist.

On motion of Senator Mitchell, said amendment was laid on the table.

Yeas 15 Nays 11

Yeas:

Senators:

Barron, Biddle, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, McClain, Mitchell, Mitchem, Roberts, Smitherman, and Steele -15

Nays:

Senators:

Adams, Armistead, Bailey, Butler, Davidson, Hill, Lipscomb, Little, Myers, Smith, and Windom -11

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 242.** Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 317.** To amend Section 22-50-90, Code of Alabama 1975;



to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

GREG PAPPAS,  
Clerk.

### **FURTHER CONSIDERATION OF HB 135**

The Senate proceeded to further consideration of the Bill, HB 135. The question was on the Figures substitute, as amended.

Senator Smitherman offered the following amendment to the substitute, as amended, for the Bill, HB 135, to-wit:

#### **SMITHERMAN AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 135**

Insert at page 28, line 23, after the word “charges”, the following language:

The commission shall be entitled to authorize an investigation upon a unanimous written consent of all five (5) commission members, upon an express finding that probable cause exists that a violation or violations of this chapter have occurred.

Insert at page 28, line 26, after the word “charges”, the following:

A complaint may be initiated by the unanimous vote of the commission, provided, however, that the commission shall not conduct the hearing, but rather the hearing shall be conducted by three (3) active or retired judges, who shall be appointed by the Chief Justice of the Alabama Supreme Court, at least one of whom shall be black. The three (3) judge panel shall conduct the hearing in accordance with the procedures contained in this chapter and in accordance with the rules and regulations of the commission. If the three (3) judge panel unanimously finds that a person covered by this chapter has violated it, the three (3) judge panel shall forward the case to the district attorney for the jurisdiction in which the alleged acts occurred or to the attorney general.

Which was adopted.

Senator Figures offered the following amendment No. 5 to the substitute, as amended, for the Bill, HB 135, to-wit:

**FIGURES AMENDMENT NO. 5 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

At Page 5 Line 1 insert the following as a new subsection and renumber the remaining subsections:

“Complaint - written allegation or allegations that a violation of this chapter has occurred.”

At Page 11 Line 5 insert the following as a new subsection and renumber the remaining subsections:

“Probable Cause - a finding that the allegations are more likely than not to have occurred.”

Which was adopted.

Senator Barron offered the following amendment No. 5 to the substitute, as amended, for the Bill, HB 135, to-wit:

**BARRON AMENDMENT NO. 5 TO  
SUBSTITUTE, AS AMENDED, FOR HB 135**

At Page 14 Line 9 after the word “provider” insert the following:

“Provided that the reporting requirement contained in this section shall not apply where the expenditures are made to or on behalf of an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U. S. Code, and where the public official or public employee does not receive any direct financial benefit.”

Which was adopted.

And the following Figures substitute, as thus amended, for the Bill, HB 135, the title of which is set out in the Journal of the Senate for the Thirteenth Legislative Day, was then adopted.

**FIGURES SUBSTITUTE, AS AMENDED, FOR HB 135****A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections

36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$50,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, are amended to read as follows:

“§36-25-1.

“Whenever used in this chapter, the following words and terms shall have the following ~~respective~~ meanings ~~unless the context clearly indicates otherwise~~:

## 14th Day

“(1) BUSINESS. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, ~~and or~~ any other legal entity.

“(2) BUSINESS WITH WHICH HE ~~THE PERSON~~ IS ASSOCIATED. Any business of which the person or a member of his ~~or her~~ family is an officer, owner, partner, ~~Board of Director member, Trustee, Advisory Council member or the recipient of any financial gain whether by contract, agreement or assignment~~ employee, or holder of more than ~~10~~ five percent of the fair market value of ~~such the~~ business.

“(3) CANDIDATE FOR PUBLIC OFFICE. ~~Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official:~~ An individual who has done any of the following:

“a. Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office, or in the case of an independent seeking ballot access, on the date when he or she files a petition with the judge of probate in the case of county offices, with the appropriate qualifying municipal official in the case of municipal offices, or the Secretary of State in all other cases.

“b. Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to any state office or local office.

“Notwithstanding the foregoing, no person shall be considered a candidate within the meaning of this subdivision until the time he or she has either received contributions or expenditures as provided herein in the following amounts:

“1. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state.

“2. Five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to any state office filled by election of the registered voters of any circuit or district.

“3. One thousand dollars (\$1,000) or more, with a view toward bringing about nomination or election to any local office.

“(4) COMMISSION. The state ethics commission.

“(5) COMPLAINANT. A person who alleges a violation or violations of this chapter by filing a complaint against a respondent.

“(6) CONFIDENTIAL INFORMATION. A complaint filed pursuant to this chapter, together with any statement, conversations, knowledge of evidence, or information received from the complainant, witness, or other person related to such complaint.

“(7) CONFLICT OF INTEREST. A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs. A conflict of interest shall not include any of the following:

“a. A loan or financial transaction made or conducted in the ordinary course of business.

“b. An occasional nonpecuniary award publicly presented by an organization for performance of public service.

“c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for the personal attendance of a public official or public employee at a convention or other meeting at which he or she is scheduled to meaningfully participate in connection with his or her official duties and for which attendance no reimbursement is made by the state.

“d. Any campaign contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if the contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the contribution is to substantially influence a public official in the performance of his or her official duties.

“(8) DAY. Calendar day.

“(9) DEPENDENT. Any person, regardless of his or her legal residence or domicile, who receives 50 percent or more of his or her support

from the public official or public employee or his or her spouse or who resided with the public official or public employee for more than 180 days during the reporting period.

“(10) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The spouse or a dependent of the public employee.

“(11) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse’s parents, a sibling and his or her spouse, of the public official.

“(12) GOVERNMENTAL CORPORATIONS AND AUTHORITIES. Public or private corporations and authorities, including but not limited to, hospitals or other health care corporations, established pursuant to state law by state, county or municipal governments for the purpose of carrying out a specific governmental function.

“(13) HOUSEHOLD. The public official, public employee, and his or her spouse and dependents.

“(14) LAW ENFORCEMENT OFFICER. A full-time employee of a governmental unit responsible for the prevention or investigation of crime who is authorized by law to carry firearms, execute search warrants, and make arrests.

“(15) LEGISLATIVE BODY. The Senate of Alabama, the House of Representatives of Alabama, a county commission, city council, city commission, town council, or municipal council or commission, and any committee or subcommittee thereof.

“(6) (16) LOBBYING. The practice of promoting, or opposing, or in any manner influencing or attempting to influence the introduction, defeat, or enactment of legislation before the legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation; any legislative body; opposing or in any manner influencing the executive approval, veto, or amendment of legislation; or the practice of promoting, opposing, or in any manner influencing or attempting to influence the enactment, promulgation, modification, or deletion of regulations before any regulatory body; provided, however, that providing public testimony before a legislative body or regulatory body or any committee thereof shall not be deemed lobbying.

“(7) (17) LOBBYIST. All persons who seek to encourage the passage, defeat or modification of any legislation, except members of the Alabama legislature or any person who, on an isolated basis and without the

~~intent to continue beyond a single day during a session of the Alabama legislature, merely appears before a committee or committees of the legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation:~~

“a. The term lobbyist includes any of the following:

“1. A person who receives compensation or reimbursement from another person, group, or entity to lobby.

“2. A person who lobbies as a regular and usual part of employment, whether or not any compensation in addition to regular salary and benefits is received.

“3. A person who expends in excess of one hundred dollars (\$100), not including funds expended for travel, subsistence expenses, and literature, buttons, stickers, publications, or other acts of free speech, during a calendar year to lobby.

“4. A consultant to the state, county, or municipal levels of government or their instrumentalities, in any manner employed to influence legislation or regulation, regardless whether the consultant is paid in whole or part from state, county, municipal, or private funds.

5. An employee, a paid consultant, or a member of the staff of a lobbyist, whether or not he or she is paid, who regularly communicates with members of a legislative body regarding pending legislation and other matters while the legislative body is in session.

“b. The term lobbyist does not include any of the following:

“1. A member of a legislative body on a matter which involves that person’s official duties.

“2. A person or attorney rendering professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, or rules or regulations, where those professional services are not otherwise connected with legislative, executive, or regulatory action.

“3. Reporters and editors while pursuing normal reportorial and editorial duties.

“4. Any citizen not expending funds as set out above in paragraph a. 3 or not lobbying for compensation who contacts a member of a legislative body, or gives public testimony on a particular issue or on particular legislation, or for the purpose of influencing legislation and who is merely exercising his or her constitutional right to communicate with members of a legislative body.

“5. A person who appears before a legislative body, a regulatory body, or an executive agency to either sell or purchase goods or services.

“(18) MINOR VIOLATION. Any violation of this chapter in which the public official or public employee receives an economic gain in an amount less than two hundred fifty dollars (\$250) or the governmental entity has an economic loss of less than two hundred fifty dollars (\$250).

“(19) PERSON. A business, individual, corporation, partnership, union, association, firm, committee, club, or other organization or group of persons.

“(20) PERSONAL AND LEGISLATIVE LIVING EXPENSES. Household supplies; personal clothing; tuition payments; mortgage, rent, or utility payments for a personal residence; admission to an entertainment event or fees for a country club or social club, unless tied to a specific campaign event or functions involving constituents; and any other expense (excluding food and beverages) that would exist irrespective of the candidate’s campaign or duties as a legislator. Personal and legislative living expenses shall not include: food and beverages, travel or communication or other political expenses incurred by the legislator in the performance of the office held.

“(21) PRINCIPAL. A person or business which employs, hires, or otherwise retains a lobbyist. Nothing in this chapter shall be deemed to prohibit a principal from simultaneously serving as his or her own lobbyist.

“(9) (22) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee’s income. For purposes of this chapter, a public em-



~~ployee includes the chairs and vice chairs or equivalent offices of each state political party as defined in Section 17-16-2, Code of Alabama 1975.~~

~~“(10) PUBLIC EMPLOYEE’S FAMILY. The employee’s spouse and dependents.~~

~~“(11) (23) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in section 17-16-2, Code of Alabama 1975.~~

~~“(12) PUBLIC OFFICIAL’S FAMILY. The official’s spouse and dependents.~~

~~“(24) REGULATORY BODY. A state agency which issues regulations in accordance with the Alabama Administrative Procedure Act or a state, county, or municipal department, agency, board, or commission which controls, according to rule or regulation, the activities, business licensure, or functions of any group, person, or persons.~~

~~“(25) REPORTING PERIOD. The reporting official’s or employee’s fiscal tax year as it applies to his or her United States personal income tax return.~~

~~“(8) (26) REPORTING YEAR. The reporting official’s or employee’s fiscal tax year as it applies to his or her United States personal income tax return(s) return.~~

~~“(27) RESPONDENT. A person alleged to have violated a provision of this chapter and against whom a complaint has been filed with the commission.~~

~~“(5) (28) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form made available by the commission which must shall be completed and filed with the state ethics commission prior to April 30 of each year covering the preceding calendar year by all elected certain public officials and those appointed public officials and public employees, who occupy positions paying \$25,000.00 or more annually and all candidates for elected public office within five days of becoming a candidate for elected public office.~~

## 14th Day

“(29) SUPERVISOR. Any person having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or discipline other public employees, or any person responsible to direct them, or to adjust their grievances, or to recommend personnel action, if, in connection with the foregoing, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

“(30) THING OF VALUE. a. Any gift, benefit, favor, service, gratuity, ~~special discount~~ tickets or passes to an entertainment, social or sporting event offered only to public officials, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

“b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

“1. Campaign contribution as defined in Section 17-22A-2.

“2. Seasonal gifts of an insignificant economic value of less than one hundred dollars (\$100) if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars (\$250) during any one calendar year.

“3. Hospitality extended to a public official, public employee, and his or her respective household as a social occasion in the form of food and beverages where the provider is present, lodging in the continental United States and Alaska incidental to the social occasion, and tickets to social or sporting events if the hospitality does not extend beyond three consecutive days and is not continuous in nature and the aggregate value of such hospitality in excess of two hundred fifty dollars (\$250) within a calendar day is reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

“4. Reasonable transportation, food and beverages where the provider is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, together with any hospitality associated therewith; provided, that such hospitality is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported to the commission by the provider. The reporting shall

include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

“5. Promotional items commonly distributed to the general public and food or beverages of a nominal value.

“c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child, sibling, parent, grandparent, uncle, aunt, nephews, nieces or cousins of the public official or public employee, except as otherwise provided by law.

“d. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public employee or public official.

“(31) VALUE. The fair market price of a like item if purchased by a private citizen.

“§36-25-2.

“(a) The Legislature hereby finds and declares:

“(1) It is essential to the proper operation of democratic government that public officials be independent and impartial; ~~that governmental,~~

“(2) ~~Governmental~~ decisions and policy ~~should~~ be made in the proper channels of the governmental structure; ~~that public,~~

“(3) ~~No public office~~ ~~not should~~ be used for private gain other than the remuneration provided by law; ~~and that,~~

“(4) ~~It is important that~~ there be public confidence in the integrity of government.

“(5) The attainment of one or more of ~~these~~ the ends set forth in this subsection is impaired whenever there exists a conflict of interest between the private interests of ~~an elected~~ a public official or a ~~government~~ public employee and ~~his~~ the duties ~~as such~~ of the public official or public employee.

“(6) The public interest, ~~therefore,~~ requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of ~~elected~~ public officials and ~~government~~ public employees in situations where conflicts exist.

“(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve ~~the~~ in government. Accordingly, legal safeguards against conflicts of interest ~~must shall~~ be so designed as not to unnecessarily or unreasonably to impede the ~~recruitment and retention by the government~~ service of those men and women ~~who are best qualified to serve it~~ elected or appointed to do so. An essential principle underlying the staffing of our ~~government~~ governmental structure is that its ~~elected~~ public officials and public employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of ~~such elected~~ public officials and public employees to the public cannot be avoided.

“(c) ~~The legislature hereby~~ Legislature declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to ~~individual members of the legislature, to committees of the legislature~~ the legislative bodies and to officials of the executive branch, their opinions on legislation, on pending ~~executive governmental~~ actions, and on current issues; ~~and that, to,~~ To preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the ~~legislature~~ legislative bodies or members of the executive branch to take specific actions, either by direct communication to ~~such these~~ such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. ~~The provisions of this~~ This chapter shall be liberally construed to promote complete disclosure of all ~~such relevant~~ such relevant information and ~~so as to assure~~ insure that the public interest ~~will be~~ is fully protected.

“(d) It is the policy and purpose of this chapter to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the ~~recruitment and retention~~ service of qualified personnel by prescribing essential restrictions against conflicts of interest in ~~state government~~ public service without creating unnecessary barriers ~~to the public service~~ thereto.

“§36-25-3.

“(a) There is hereby created a state ethics commission ~~which shall~~ be composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character and ability. The following persons shall not be eligible to be appointed as members: (1) a public official; (2) a public employee; (3) a candidate; (4) a registered lobbyist and his or her principal; or (5) a former employee of the commission. For purposes of this section, a public official shall not be deemed to include a part-time

municipal judge and a registered lobbyist shall not be deemed to include a person whose lobbying activities are limited to providing public testimony to a legislative body or regulatory body or committee thereof. No member of the commission shall be eligible for ~~appointment~~ reappointment to succeed himself or herself. The members of ~~such~~ the commission shall be appointed by the following officers: the governor, the lieutenant governor, or in the absence of a Lieutenant Governor, the Presiding Officer of the Senate, and the speaker of the house of representatives and shall assume their duties upon confirmation by the senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of ~~this~~ the first commission shall serve each be appointed for terms a term of five years beginning service on September 1 of the year appointed and serving and until their successors are appointed and ~~have qualified~~ confirmed. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the governor. The commission shall elect one member to serve as chairman chair of the commission and one member to serve as vice-chairman vice chair. The ~~vice-chairman~~ vice chair shall act as ~~chairman~~ chair in the absence or disability of the ~~chairman~~ chair or in the event of a vacancy in that office. ~~As soon as all the members of the board have been appointed, the governor shall call and provide for the holding of an organizational meeting of the commission.~~

Beginning with the first vacancy on the Ethics Commission after the effective date of this act, if there is not a black member serving on the commission, that vacancy shall be filled by a black appointee. Any vacancy thereafter occurring on the commission, shall also be filled by a black appointee if there is no black member serving on the commission at that time.

“(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and three members thereof shall constitute a quorum.

“(c) The commission shall at the close of each fiscal year, or as soon thereafter as practicable, report to the legislature and the governor concerning the ~~action~~ actions it has taken, the ~~name, salary, and duties of the director,~~ the names, salaries and duties of all individuals in its employ, and the money it has disbursed, ~~and shall make such further reports on the other relevant matters within its jurisdiction, and such recommendations for further legislation as may appear desirable~~ the commission deems appropriate.

“(d) Members of the commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of

## 14th Day

~~\$50.00~~ fifty dollars (\$50) per day, and each ~~such~~ member shall be paid his or her travel expenses incurred in the performance of his or her duties as a member of the commission as other state employees and officials are paid when approved by the ~~chairman thereof~~ chair. If for any reason a member of the commission wishes not to claim and accept the compensation or travel expenses, the member shall inform the director, in writing, of the refusal. The member may at any time during his or her term begin accepting compensation or travel expenses; however, the member's refusal for any covered period shall act as an irrevocable waiver for that period.

“(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to ~~the provisions of this chapter and also to the provisions of law prohibiting political activities by state employees.~~ The director and all employees of the commission shall not engage in direct partisan political activity on the state, county, and local levels. The prohibition shall in no way act to limit or restrict such persons' ability to vote in any election.

“(f) The commission shall appoint ~~an executive a full-time~~ director, ~~and such other staff as is needed. All such appointees~~ The director shall serve at the pleasure of the commission and shall appoint such other employees as needed. All such employees, except for the ~~executive~~ director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The employment of attorneys shall be subject to subsection (h). The compensation of the ~~executive~~ director shall be fixed by the commission, ~~but shall not exceed such amount as heretofore or as may hereafter be allowed by law for such officer,~~ payable as the salaries of other state employees. The ~~executive~~ director shall be responsible for the administrative operations of the commission and shall ~~perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the commission.~~ However, the commission shall not delegate the making of regulations to the executive director. The commission may require the executive director to draft regulations, but no administer this chapter in accordance with the commission's policies. No regulation shall be implemented by the executive director until adopted by the commission in accordance with Sections 41-22-1 to 41-22-27, inclusive, the Alabama Administrative Procedure Act members.

“(g) The commission is hereby authorized, when in its discretion ~~the ends of justice will be thereby served,~~ to waive any rule or regulation presented relative to any disclosure statement; provided, that such waiver is done in writing stating the reason why and made a part of the public record. The director may appoint part-time stenographic reporters or certified court reporters, as needed, to take and transcribe the testimony in any formal or

## 14th Day

informal hearing or investigation before the commission or before any person authorized by the commission. The reporters shall not be full-time employees of the commission and shall not be subject to the merit system law and may not participate in the State Retirement System.

“(h) The director may, with the approval of the Attorney General, appoint a competent attorney as legal counsel for the commission. The legal counsel shall be of good moral and ethical character, licensed to practice law in this state, and a member in good standing of the Alabama Bar Association. The legal counsel shall be commissioned as an Assistant or Deputy Attorney General and shall, in addition to the powers and duties herein conferred, have the authority and duties of an Assistant or Deputy Attorney General, except, that his or her entire time shall be devoted to the commission. The attorney shall act as an attorney for the commission in actions or proceedings brought by or against the commission pursuant to any provisions of law under the commission’s jurisdiction, or in which the commission joins or intervenes as to a matter within the commission’s jurisdiction, or as a friend of the court or otherwise; provided however, nothing in this section shall be deemed as a direct grant of subpoena power to the commission.

“(i) The director shall designate in writing the chief investigator, should there be one, and a maximum of six full-time investigators who shall be and are hereby constituted law enforcement officers of the State of Alabama with full and unlimited police power and jurisdiction to enforce the laws of this state pertaining to the operation and administration of the commission and this chapter. Investigators shall meet the requirements of the Alabama Peace Officers’ Standards and Training Act, Sections 36-21-40 to 36-21-51, inclusive; and shall in all ways and for all purposes be considered law enforcement officers; provided however such investigators shall ~~not have arrest powers~~ only exercise their power of arrest as granted under this act pursuant to an order issued by a court of competent jurisdiction.

“§36-25-4.

“~~It shall be the duty of the~~(a) The commission shall do all of the following:

“(1) ~~To prescribe~~ Prescribe forms for statements required to be filed by this chapter and ~~to furnish~~ make such the forms available to persons required to file such statements.

“(2) ~~To prepare and publish a manual~~ Prepare guidelines setting forth recommended uniform methods of reporting for use by persons required to file statements required by this chapter.

## 14th Day

“(3) ~~To accept~~ Accept and file any written information voluntarily supplied that exceeds the requirements of this chapter.

“(4) ~~To develop~~ Develop, where practicable, a filing, coding, and cross-indexing system ~~consonant~~ consistent with the purposes of this chapter.

“(5) ~~To make~~ Make reports and statements filed with it ~~the commission~~ available at reasonable during regular business hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each ~~such~~ person examining information on file with the commission; ~~provided, that no copies of reports and statements will be removed from the office of the state ethics commission.~~

“(6) ~~To preserve such~~ Preserve reports and statements for a period ~~of six years from date of receipt~~ consistent with the statute of limitations as contained in this chapter. The reports and statements, when no longer required to be retained, shall be disposed of by shredding the reports and statements and disposing of or recycling them, or otherwise disposing of the reports and statements in any other manner prescribed by law. Nothing in this section shall in any manner limit the Department of Archives and History from receiving and retaining any documents pursuant to existing law.

“(7) ~~To make~~ Make investigations with respect to statements filed ~~under the provisions of~~ pursuant to this chapter, and with respect to alleged failures to file, ~~or omissions contained therein,~~ any statement required ~~under the provisions of~~ pursuant to this chapter and, upon complaint by any individual, ~~or upon a complaint by the commission brought upon its own initiative by unanimous written consent of the commission members,~~ with respect to alleged violation of any part of this chapter; ~~and, whenever to the extent authorized by law~~ When when in its opinion a thorough audit of any person or any business should be made in order to determine whether this chapter has been violated, the commission shall direct the examiner of public accounts to have ~~such an~~ an audit made and a report thereof filed with the commission. The examiner of public accounts shall, upon receipt of ~~such the~~ the directive, immediately comply therewith.

“(8) ~~To report~~ Report suspected violations of law to the appropriate law-enforcement authorities.

“(9) ~~To issue upon request~~ Issue and publish advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances. ~~The written opinion of the state ethics commission provided to~~



## 14th Day

~~anyone shall protect such person to whom it is directed from liability to either the state, county or municipal subdivision of the state because of any official action or actions performed as directed or advised in such opinion. Such advisory opinions shall be adopted by a majority vote of the members of the commission present and shall be effective and deemed valid until expressly overruled or altered by the commission or a court of competent jurisdiction. The written advisory opinions of the commission shall protect the person at whose request the opinion was issued and any other person reasonably relying, in good faith, on the advisory opinion in a materially like circumstance from liability to the state, a county, or a municipal subdivision of the state because of any action performed or action refrained from in reliance of the advisory opinion. Nothing in this section shall be deemed to protect any person relying on the advisory opinion if the reliance is not in good faith, is not reasonable, is not in a materially like circumstance. The commission may impose reasonable charges for publication of the advisory opinions and monies shall be collected, deposited, dispensed, or retained as provided herein. Upon the effective date of this amendatory act, all prior advisory opinions of the commission in conflict with this chapter, shall be ineffective and thereby deemed invalid and otherwise overruled unless there has been any action performed or action refrained from in reliance of a prior advisory opinion.~~

“(10) ~~To initiate~~ Initiate and continue, where practicable, programs for the purpose of educating candidates, officials, employees, and citizens of Alabama on matters of ethics in government service.

“(11) ~~To~~ In accordance with Sections 41-22-1 to 41-22-27, inclusive, the Alabama Administrative Procedure Act, prescribe, publish, and enforce rules and regulations to carry out ~~the provisions of this chapter. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least 30 days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this chapter.~~

“(12) ~~After the commission has been organized pursuant to this chapter and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for 60 days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this chapter shall be thereby implemented.~~

“(13) ~~No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed~~

and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000.00, or both:

“(b) A complaint filed pursuant to this chapter, together with any statement, evidence, or information received from the complainant, witnesses, or other persons shall be protected by and subject to the same restrictions relating to secrecy and nondisclosure of information, conversation, knowledge, or evidence of Sections 12-16-214 to 12-16-216, inclusive. Such restrictions shall apply to all investigatory activities taken by the director, the commission or a member thereof, staff, employees, or any person engaged by the commission in response to a complaint filed with the commission and to all proceedings relating thereto before the commission.

“(14) (c) The commission shall not take any investigatory action on a telephonic or written complaint against a public official respondent so long as the complainant remains anonymous. Investigatory action on a complaint from an identifiable source shall not be initiated until the true identity of the source has been ascertained and written verification of such ascertainment is in the commission’s files. The complaint may only be filed by a person who has or persons who have actual knowledge of the allegations contained in the complaint. A complainant may not file a complaint for another person or persons in order to circumvent this subsection. Prior to commencing any investigation, the commission shall first receive a written and signed complaint which sets forth in detail the specific charges against a respondent, and the factual allegations which support such charges. If a complaint is initiated by the commission, the complaint shall contain the charges against a respondent, and factual allegations which support those charges. In all matters that come before the commission concerning a complaint on an individual, the laws of due process shall be strictly adhered to apply.

“(d) Not less than 45 days prior to any hearing before the commission, the respondent shall be given notice that a complaint has been filed against him or her and shall be given a summary of the charges contained therein. Upon the timely request of the respondent, a continuance of the hearing for not less than 30 days shall be granted for good cause shown. The respondent charged in the complaint shall have the right to be represented by retained legal counsel. The commission may not require the respondent to be a witness against himself or herself.

“(e) The commission shall provide discovery to the respondent pursuant to the Alabama Rules of Criminal Procedure as promulgated by the Alabama Supreme Court.

“(f)(1) All fees, penalties, and fines collected by the commission pursuant to this chapter shall be deposited into the State General Fund.

“(2) All monies collected as reasonable payment of costs for copying, reproductions, publications, and lists shall be deemed a refund against disbursement and shall be deposited into the appropriate fund account for the use of the commission.

“(g) If the commission finds cause that a person covered by this chapter has violated it, the case and the commission’s findings shall be forwarded to the district attorney for the jurisdiction in which the alleged acts occurred or to the Attorney General. The case, along with the commission’s findings, shall be referred for appropriate legal action. Nothing in this section shall be deemed to limit the commission’s ability to take appropriate legal action when so requested by the district attorney for the appropriate jurisdiction or by the Attorney General.

“§36-25-5.

“(a) No public official or public employee shall use ~~an~~ or cause to be used his or her official position or office to obtain direct personal financial gain for himself or herself, or his family member of the public employee or family member of the public official, or any business with which he the person or a member of his family is associated unless such the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.

“(b) Unless prohibited by the ~~Alabama~~ Constitution of ~~Alabama~~ of 1901, nothing herein shall be construed to prohibit a ~~legislator~~ public official from introducing bills, ~~and ordinances~~, resolutions, or other legislative matters, serving on committees, or ~~from~~ making statements or taking action in the exercise of his or her legislative duties as a public official. A member of a legislative body may not vote for any legislation in which he or she knows or should have known that he or she has a conflict of interest. ~~A member of a legislative body shall not vote on any legislation or matter which directly affects the public or private entity which employs the member nor shall a member of a legislative body vote on any legislation or matter which directly affects the income or employment of the member.~~

“(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person,

## 14th Day

or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy.

“(d) No person shall solicit a public official or public employee to use or cause to be used equipment, facilities, time, materials, human labor, or other public property for such person’s private benefit or business benefit, which would materially affect his or her financial interest, except as otherwise provided by law.

“(e) No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity.

“(f) A conflict of interest shall be presumed to exist when a member of a legislative body, public official, or public employee has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation; or who is an officer, director, or agent for any such corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation.

“§36-25-6.

~~“No person shall offer to or give to a public official or employee or his family, and none of the aforementioned shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions or judgment of the intended recipient or family member would be influenced thereby. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby.~~

“(a) Notwithstanding any other provision of law, including but not limited to Sections 17-22A-1 to 17-22A-23, inclusive, and 13A-10-61, a candidate, public official, or principal campaign committee, as defined in Section 17-22A-2, may only accept, solicit, or receive contributions, as defined in Section 17-22A-2, to influence the outcome of an election; in addition, a candidate, public official, or principal campaign committee may not accept, solicit, or receive contributions more than 12 months before an

election in which the person intends to be a candidate. The candidate may also solicit contributions for a period of 120 days after the election in which the person was a candidate, but only to the extent of any campaign debt of the candidate or the principal campaign committee of the candidate as indicated on campaign financial disclosure form or to the extent of reaching the threshold that is required for qualification as a candidate for the office which he or she currently holds. The provision of this section dealing with the campaign debt of the candidates or the principal campaign committee of the candidate shall not apply to any prior candidate or current elected official who files a verified statement of such debt with the Secretary of State on or before the effective date of this act. Said debt must have been created on or before January 1, 1995 and shall be directly related to lawful campaign expenditures. Provided, however, any candidate or elected official whose election is challenged including quo warranto challenges may then accept, solicit and receive campaign contributions for the purpose of paying all expenses associated with the election challenge.

“(b) Notwithstanding any other provision of law, including, but not limited to Sections 17-22A-1 to 17-22A-23, inclusive, and 13A-10-61, a candidate, public official, or principal campaign committee shall not accept, solicit, or receive contributions for any of the following reasons:

“(1) As a bribe, as defined by Sections 13A-10-60 to 13A-10-63, inclusive.

“(2) For the intention of corruptly influencing the official actions of the public official or candidate for public office.

“(c) Notwithstanding any other provision of law, including, but not limited to Section 17-22A-7, a candidate, public official, or principal campaign committee may only use contributions, as defined by Section 17-22A-2, received for the following purposes:

“(1) Expenditures of the campaign.

“(2) Expenditures that are reasonably related to performing the duties of the office held. For purposes of this section, expenditures that are reasonably related to performing the duties of the office held do not include personal and legislative living expenses.

“(3) Donations to the State General Fund, Alabama Special Educational Trust Fund or equivalent county or municipal funds.

“(4) Donations to an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsec-

## 14th Day

tion (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U.S. Code.

“(5) Inaugural or transitional expenses incurred after the effective date of this act.

“(d) Contributions to an office holder, a candidate, or to a public official’s inaugural or transitional fund shall not be converted to personal use.

“§36-25-7.

“(a) No person shall offer or give to a public official or public employee or a member of the household of a public employee or a member of the household of the public official and none of the aforementioned shall solicit or receive a thing of value for the purpose of influencing official action.

“(b) No public official or public employee shall solicit or receive a thing of value for himself or herself or for a family member of the public employee or family member of the public official for the purpose of influencing official action.

“(c) No person shall offer or give a family member of the public official or family member of the public employee a thing of value for the purpose of influencing official action.

“(a) (d) No public official or public employee, or his family shall solicit or receive any money in addition to that received by the public official or public employee in his an official capacity for advice or assistance on matters concerning the legislature, advice or assistance on matters concerning the legislature, lobbying a legislative body, an executive department or any public regulatory board, commission or other body an executive department or any public regulatory board, commission or other body. of which he or she is a member. Notwithstanding the foregoing, nothing in this section shall be construed to prohibit a public official or public employee from the performance of his or her official duties or responsibilities.

“(b) No public official or employee or business with which he is associated shall receive any fee, salary, wages or other compensation for services provided to the state or any of its agencies or to any county, or municipality or instrumentalities thereof unless a disclosure statement provided for in this section shall be filed with the commission by the person rendering the services:

~~“(c) The disclosure statement shall include the following information:~~

~~“(1) The name of the employer;~~

~~“(2) The amount of the compensation received for the employment;~~  
and

~~“(3) The date of employment.~~

“§36-25-8.

“No public official, or public employee, former public official or former public employee, for a period consistent with the Statute of Limitations as contained in this chapter, shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as such state officer public official or public employee for himself or herself, his a family member of the public employee or family member of the public official, or for any other person or business.

“§36-25-9.

~~“(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county or municipal regulatory board or commission or other body that regulates any business with which he is associated. Nothing herein shall prohibit real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate field, or other state-licensed professionals, from serving on any planning boards or commissions, housing authorities, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, state board or commission:~~

~~“(b) All county or municipal regulatory boards, authorities or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate industry may allow these individuals to continue to serve out their current term if appointed before December 31, 1991, except that at the conclusion of such term subsequent appointments shall reflect that membership of real estate brokers and agents shall not exceed more than one less of a majority of any county or municipal regulatory board or commission effective January 1, 1994.~~

(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory

board or commission or other body that regulates any business with which he is associated. Nothing herein shall prohibit real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, from serving on any planning boards or commissions, housing authorities, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, state board, or commission.

(b) All county or municipal regulatory boards, authorities, or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate industry may allow these individuals to continue to serve out their current term if appointed before December 31, 1991, except that at the conclusion of such term subsequent appointments shall reflect that membership of real estate brokers and agents shall not exceed more than one less of a majority of any county or municipal regulatory board or commission effective January 1, 1994.

“(c) No member of any county or municipal agency, board, or commission shall vote or participate ~~on~~ in any ~~matters~~ matter in which ~~said the~~ member or ~~immediate~~ family ~~member~~ of said the member has any financial gain or interest ~~in the outcome of said vote~~.

“(d) All acts, actions, and votes taken by such local boards and commissions between January 1, 1991 and December 31, 1993 are ~~hereby~~ affirmed and ratified.

“§36-25-10.

“If a public official or public employee, or family member of his family of the public employee or family member of the public official, or a business with which ~~any of them~~ the person is associated, ~~shall for a fee represent~~ represents a client or constituent for a fee before any quasi-judicial board or commission, ~~governmental~~ regulatory agency body, or executive department or agency, notice of ~~such the~~ representation must shall be given within ~~five~~ 10 days after the first day of ~~such the~~ appearance, to Notice shall be filed with the ~~state ethics~~ commission in the manner prescribed by ~~the commission~~ it. No member of the legislature shall for a fee, reward, or other compensation represent any person, firm, or corporation before the public service commission or the state board of adjustment.

“§36-25-11.

“Unless ~~exempted under~~ exempt pursuant to Alabama competitive bid laws or otherwise permitted ~~to do so under~~ by law, no public official or



public employee, or a member of his family the household of the public employee or the public official, and no business with which any of them the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such the contract is filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, public employee, family a member of the household of the public employee or the public official, and any business with which any of them the person is associated shall be filed with the state ethics commission within 10 days after the contract has been entered into.

“§36-25-12.

“No person shall offer or give to a member or employee of a governmental agency, board, or commission that regulates a business with which such the person is associated, and no member or employee of a governmental regulatory agency body, board or commission shall solicit or accept from any such person anything a thing of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board, or commission body other than in the ordinary course of business. Expenses associated with social entertainment afforded members and employees shall not be deemed a thing of value within the meaning of this section.

“§36-25-13.

“(a) No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of three years after he leaves such membership or employment, unless notice of such representation is given within five days after such appearance to the state ethics commission in the manner prescribed by the commission:

“(b) No former public official or employee shall enter into a contract with any governmental agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided:

“(a) No public official shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, department, or legislative body, of which he or she is a former member for a period of two years after he or she leaves such membership.

For the purposes of this subsection, such prohibition shall not include a former member of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.

“(b) No public employee shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, or department, of which he or she is a former employee for a period of two years after he or she leaves such employment. For the purposes of this subsection, such prohibition shall not include a former employee of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.

“(c) No public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who negotiates or approves contracts, shall enter into, solicit, or negotiate a contract with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency.

“(d) No public official or public employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual shall within two years of his or her departure from such employment solicit or accept employment with such private business, corporation, partnership, or individual.

“§36-25-14.

“(a) A statement of economic interests ~~must~~ shall be completed and filed in accordance with ~~the provisions of this chapter with the state ethics commission~~ no later than April 30 of each year covering the period of the preceding calendar year by each of the following:

“(1) ~~at~~ All elected public officials at the state, county, or municipal level of government or their instrumentalities.

“(2) ~~and any~~ Any person appointed as a public official ~~or and any person~~ employed as a public employee at the state, county, or municipal level of government or their instrumentalities who occupies a position ~~paying whose base pay is \$25,000.00~~ fifty thousand dollars (\$50,000) or more annually.

“(3) All candidates, simultaneously with the date he or she becomes a candidate as defined herein, or the date the candidate files his or her qualifying papers, whichever comes first.

“(4) Members of the Alabama Ethics Commission; appointed members of boards and commissions having statewide jurisdiction (but excluding members of solely advisory boards).

“(5) All full-time nonmerit employees, other than those employed in maintenance, clerical, secretarial, or other similar positions.

“(6) Chief clerks and chief managers.

“(7) Chief county clerks and chief county managers.

“(8) Chief administrators.

“(9) Chief county administrators.

“(10) Any public official or public employee whose primary duty is to invest public funds.

“(11) Chief administrative officers of any political subdivision.

“(12) Chief and assistant county building inspectors.

“(13) Any county or municipal administrator with power to grant or deny land development permits.

“(14) Chief municipal clerks.

“(15) Chiefs of police.

“(16) Fire chiefs.

“(17) City and county school superintendents and school board members.

“(18) City and county school principals or administrators.

“(19) Purchasing or procurement agents having the authority to make any purchase.

“(20) Directors and assistant directors of state agencies.

“(21) Chief financial and accounting directors.

“(22) Chief grant coordinators.

“(23) Each employee of the Legislature or of agencies, including temporary committees and commissions established by the Legislature, other than those employed in maintenance, clerical, secretarial, or similar positions.

“(24) Each employee of the judicial branch of government, including active supernumerary district attorneys and judges, other than those employed in maintenance, clerical, secretarial, or other similar positions.

(b) Unless otherwise required by law, no public employee occupying a position earning less than ~~forty~~ fifty thousand dollars (~~\$40,000~~) (\$50,000) per year shall be required to file a Statement of Economic Interests. Such statement shall be made on a form ~~provided~~ made available by the commission, and The duty to file the Statement of Economic Interests shall rest with the person covered by this chapter. Nothing in this chapter shall be construed to exclude any public employee or public official from this chapter regardless of whether they are required to file a Statement of Economic Interests. The statement shall contain the following information on the person making ~~such~~ the filing:

“(1) Name, residential address, business; name, ~~and~~ address, and business of living spouse, ~~minor and dependent children, adult children, parents, brothers and sisters, and to the best of his knowledge the principal occupation of each of these persons; and dependents; name of living adult children; name of parents and siblings; name of living parents of spouse. Undercover law enforcement officers may have their residential addresses and the names of family members removed from public scrutiny by filing an affidavit stating that publicizing this information would potentially endanger their families.~~

“(2) A list of ~~occupation(s)~~ occupations to which one third or more of working time was given during previous reporting year by the filing public official, ~~or public employee, and or his or her spouse;~~

“(3) A listing of total combined ~~family~~ household income of the public official or public employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation ~~from any business doing business in Alabama~~ and listing the names of each business and the income derived from such business in the following categorical amounts: less than ~~\$1,000.00~~ one thousand dollars (\$1,000); at least ~~\$1,000.00~~ one thousand dollars (\$1,000) and less than ~~\$10,000.00~~ ten thousand dollars (\$10,000); ~~\$10,000.00 or more;~~ at least ten thousand dollars (\$10,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred fifty thousand dollars (\$150,000); at least one hundred fifty thousand dollars

(\$150,000) and less than two hundred fifty thousand dollars (\$250,000); or at least two hundred fifty thousand dollars (\$250,000) or more. further, the  
The person reporting shall also name any business or subsidiary thereof in which he or she or his or her spouse or dependents, jointly or severally, own one-tenth five percent or more of the stock or in which he or she or his or her spouse or dependents serves as an officer, director, trustee, or consultant where such the service provides income of more than at least \$1,000.00 one thousand dollars (\$1,000) and less then five thousand dollars (\$5,000); or at least five thousand dollars (\$5,000) or more for the reporting period;.

“(4) If the filing public official or public employee, or his or her spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil and/or or gas exploration companies, or both, oil and gas retail companies, banks, savings and loan associations, loan and/or or finance companies, or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, and other insurance companies, retail companies, beer, wine and/or or liquor companies or distributors, or combination thereof, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties, and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as in the following categorical amounts: less than ~~\$1,000.00~~ one thousand dollars (\$1,000); more than ~~\$1,000.00~~ one thousand dollars (\$1,000) but and less than \$10,000.00 ten thousand dollars (\$10,000); at least \$10,000.00 ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than one hundred fifty thousand dollars (\$150,000); at least one hundred fifty thousand dollars (\$150,000) and less than two hundred fifty thousand dollars (\$250,000); or at least two hundred fifty thousand dollars (\$250,000) or above; more.

“(5) If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following categorical amounts: less than ~~\$1,250.00~~, ~~\$1,250.00~~

~~or more; one thousand dollars (\$1,000); at least one thousand dollars (\$1,000) and less than five thousand dollars (\$5,000); or at least five thousand dollars (\$5,000) or more.~~

“(6) If real estate ~~that~~ is held for investment or ~~is revenue producing~~ ~~is held production~~ by a public official, his ~~or her~~ spouse or dependents, then a listing thereof ~~by in~~ the following ~~categories of~~ fair market value ~~categorical amounts:~~ ~~under \$50,000.00~~ fifty thousand dollars (\$50,000); at least \$50,000.00 ~~fifty thousand dollars (\$50,000) but less than \$250,000.00; \$250,000.00 or more; and the following categories and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000) and less than one hundred fifty thousand dollars (\$150,000); at least one hundred fifty thousand dollars (\$150,000) and less than two hundred fifty thousand dollars (\$250,000); at least two hundred fifty thousand dollars (\$250,000) or more.~~ A listing of annual gross rent and lease income on real estate shall be made in the following categorical amounts: ~~less than \$10,000.00~~ ten thousand dollars (\$10,000); at least \$10,000.00 ~~ten thousand dollars (\$10,000) and less than \$50,000.00~~ fifty thousand dollars (\$50,000); \$50,000.00 ~~fifty thousand dollars (\$50,000) or more.~~ ~~Furthermore, if~~ If a public official or a business in which ~~he~~ the person is associated ~~receives~~ received rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;.

“(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: Banks, savings and loan associations, insurance companies, mortgage firms, ~~and~~ stockbrokers and brokerages or bond firms ~~(the commission shall add additional categories as it deems necessary);~~ and the indebtedness to combined organizations in ~~each category in amounts as follows~~ the following categorical amounts: ~~Less than \$25,000.00~~ twenty-five thousand dollars (\$25,000); \$25,000.00 ~~twenty-five thousand dollars (\$25,000) but and less than \$50,000.00~~ fifty thousand dollars (\$50,000); \$50,000.00 ~~fifty thousand dollars (\$50,000) but and less than \$100,000.00~~ one hundred thousand dollars (\$100,000); \$100,000.00 ~~one hundred thousand dollars (\$100,000) and less than one hundred fifty thousand dollars (\$150,000); one hundred fifty thousand dollars (\$150,000) and less than two hundred fifty thousand dollars (\$250,000); two hundred fifty thousand dollars (\$250,000) or more.~~ The commission may add additional business to this listing. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement.

“(c) Filing required by this section shall reflect information and facts in existence at the end of the reporting year.

“(d) ~~In the event that said~~ If the information required herein is not filed as required, the commission shall notify the public official or public employee concerned as to his ~~or her~~ failure to so file and the public official or public employee shall have 10 days to file ~~said the~~ report after receipt of ~~said the~~ notification. The commission may, in its discretion, assess a fine of ten dollars (\$10) a day, not to exceed one thousand dollars (\$1,000), for failure to file timely.

“(b) ~~(e) After the original filing of the above prescribed statement(s), each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subdivisions (5), (6) and (7) of subsection (a) of this section shall reflect information and facts in existence at the end of the reporting year. A person who intentionally violates any financial disclosure filing requirement of this chapter shall be subject to administrative fines imposed by the commission, or shall, upon conviction, be guilty of a Class A misdemeanor, or both.~~

Any person who unintentionally neglects to include any information relating to the financial disclosure filing requirements of this chapter shall have 90 days to file an amended statement of economic interests without penalty.

“§36-25-15.

“(a) ~~Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this chapter at the office of the state ethics commission. Candidates at every level of government shall file a completed Statement of Economic Interests for the previous calendar year with the appropriate election official simultaneously with the date he or she becomes a candidate as defined herein or the date such candidate files his or her qualifying papers with the appropriate election official, whichever date occurs first. Such election official shall within five days forward the Statement of Economic Interests of the candidate to the commission. Nothing in this section shall be deemed to require a second filing of the person's Statement of Economic Interests if a current Statement of Economic Interests is on file with the commission.~~

“(b) Each ~~election~~ official who receives a declaration of candidacy or petition to appear on the ballot for election ~~as a state official from a candidate~~ and each official who nominates a person to serve as a ~~state public~~ official shall, within five days of ~~such the~~ receipt or nomination, notify the ~~state ethics~~ commission of the name of ~~each new the~~ candidate for state office, as defined in this chapter, and the date on which ~~such the~~ person became a candidate ~~or was nominated as a public official.~~

~~“(c) The state ethics commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.~~

~~“(d) (c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this chapter within 10 days after he becomes a candidate, his the name of the person shall not appear on the ballot and the candidate shall be deemed not qualified as a candidate in that election. Notwithstanding the foregoing, the commission may, for good cause shown, allow the candidate an additional five days to file such Statement of Economic Interests. However, the state ethics commission may in its discretion allow the candidate an additional five days to file such statement of economic interests because of mistake, omission, error or other good cause. If a candidate is deemed not qualified, the appropriate election official shall remove the name of the candidate from the ballot.~~

~~“(e) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this chapter within 10 days after such nomination, the nomination shall not be approved or ratified until at least 10 days after he has filed such statement of economic interests.~~

“§36-25-16.

“(a) When any citizen of the state or business with which he or she is associated represents for a fee any person before a state regulatory agency or commission or department body of the executive branch, he or she shall report to the state ethics commission the name of any adult child, parent, spouse, brother, or sister who is an a public official or an a public employee of that state regulatory agency or commission or department body of the executive branch.

“(b) When any citizen of the state or business with which he the person is associated enters into a contract for the sale of goods or services to the state of Alabama or any of its agencies or any county or municipality and any of their respective agencies in amounts exceeding \$1,000.00 seven thousand five hundred dollars (\$7,500), he or she shall report to the state ethics commission the names of any adult child, parent, spouse, brother, or sister who is an a public official or public employee of the agency or department with whom the contract is made.

“(c) This section shall not apply to any contract for the sale of



goods or services awarded through a process of public notice and competitive bidding.

~~“(c) (d) Each regulatory agency, commission or department body~~ of the executive branch, or any agency of the state of Alabama shall be responsible for notifying citizens affected by this chapter of the requirements of this ~~provision section~~.

“§36-25-17.

“(a) Every governmental agency head shall within 10 days file reports with the commission on any matters that come to his or her attention in his or her official capacity which ~~may constitute~~ constitute a violation of this chapter.

“(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

~~“(c) The commission shall prepare and publish, prior to the implementation of this chapter, procedures for review or appeal of any action taken against or in regard to any person covered in this chapter.~~

“§36-25-18.

~~“(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five days after the first undertaking requiring registration.~~

~~“(b) The registration shall be written, verified and shall contain, but not be limited to, the following information:~~

~~“(1) The registrant’s full name and address;~~

~~“(2) The registrant’s normal business and business address;~~

~~“(3) The full name and address of the registrant’s principal(s);~~

~~“(4) A listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;~~

~~“(5) If a registrant’s activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: one through five; six through 10; 11 through 25; over 25;~~

~~“(6) A statement signed by the principal(s) that he has or they have read the registration, know its contents and has or have authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s):~~

~~“(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change:~~

“(a) Every lobbyist shall register by filing a form prescribed by the commission no later than January 31 of each year or within 10 days after the first undertaking requiring such registration. Each lobbyist, except public employees who are lobbyists, shall pay an annual fee of one hundred dollars (\$100) on or before January 31 of each year or within 10 days of the first undertaking requiring such registration.

“(b) The registration shall be in writing and shall contain the following information:

“(1) The registrant’s full name and business address.

“(2) The registrant’s normal business and address.

“(3) The full name and address of the registrant’s principal or principals.

“(4) The listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative body to influence legislation or legislative action.

“(5) If a registrant’s activity is done on behalf of the members of a group other than a corporation, a categorical disclosure of the number of persons of the group as follows: 1-5; 6-10; 11-25; over 25.

“(6) A statement signed by each principal that he or she has read the registration, knows its contents and has authorized the registrant to be a lobbyist in his or her behalf as specified therein, and that no compensation will be paid to the registrant contingent upon passage or defeat of any legislative measure.

“(c) A registrant shall file a supplemental registration indicating any substantial change or changes in the information contained in the prior registration within 10 days after the date of the change.

“§36-25-19.

“(a) Every person registered ~~under as a lobbyist pursuant to section 36-25-18 and every principal employing such any lobbyist shall file with the commission a sworn statement concerning the report provided by the commission pertaining to the activities set out in said that section. The report must shall be filed with the commission no later than January 31, April 30, July 31, and October 31 for each preceding calendar quarter, between the first and fifteenth day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified and contain, but not be limited to, the following information:~~

~~“(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000.00; \$1,000.00 through \$3,000.00; more than \$3,000.00; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;~~

~~“(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf;~~

~~“(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee;~~

~~“(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf.~~

“(1) The cost of those items excluded from the definition of a thing of value which are described in Section 36-25-1(30)b. and which are expended within a 24-hour period on a public official, public employee, and members of his or her respective household in excess of two hundred fifty dollars (\$250) with the name or names of the recipient or recipients and the date of the expenditure.

“(2) The nature and date of any financial transaction between the public official, candidate, or member of the household of such public official or candidate and the lobbyist or principal of a value in excess of five hundred dollars (\$500) in the prior quarter.

## 14th Day

“(3) A detailed statement showing the exact amount of any loan given or promised to a public official, candidate, public official or candidate.

“(4) A detailed statement showing any direct business association or partnership with any public official, candidate, or members of the household of such public official or candidate.

“(b) Any person not otherwise deemed a lobbyist pursuant to this chapter who negotiates or attempts to negotiate a contract, sells or attempts to sell goods or services, engages or attempts to engage in a financial transaction with a public official or public employee in their official capacity and who within a calendar day expends in excess of two hundred fifty dollars (\$250) on such public employee, public official, and his or her respective household shall file a detailed quarterly report of the expenditure with the commission.

“§36-25-20.

“(a) A person who ceases to engage in activities requiring him to register under registration pursuant to section 36-25-18 shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is shall be effective immediately.

“(b) A person who files a notice of termination under pursuant to this section must shall file the reports required under pursuant to sections 36-25-18 and 36-25-19 for any reporting period during which he or she was registered under pursuant to this chapter.

“§36-25-21.

“All reports filed under pursuant to sections 36-25-18, 36-25-19 and to 36-25-20, inclusive, are public records and shall be made available for public inspection during regular business hours.

“§36-25-22.

“The provisions of sections Sections 36-25-18 through to 36-25-21, inclusive, shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, rules, or regulations, where such those professional service is services are not otherwise connected with legislative, executive, or regulatory action.

“§36-25-23.

“(a) No former member of the house of representatives or the senate of the state of Alabama shall be extended floor privileges of either body in a lobbying capacity.

“(b) No public official, public employee, or group of public officials or public employees shall solicit any lobbyist to give any thing whether or not the thing solicited is a thing of value to any person or entity for any purpose other than a campaign contribution.

“(c) No principal or lobbyist shall accept compensation for, or enter into a contract to provide lobbying services which is contingent upon the passage or defeat of any legislative action.

“§36-25-24.

~~“Any citizen wishing to file a complaint against any public official or employee covered by this chapter shall initially file said complaint with the commission. If the commission does not take proper action within 45 days, then the said citizen may file the said complaint with the attorney general or other officers authorized to enforce this chapter.~~

“(a) A supervisor shall not discharge, demote, transfer, or otherwise discriminate against a public employee regarding such employee’s compensation, terms, conditions, or privileges of employment based on the employee’s reporting a violation, or what he or she believes in good faith to be a violation, of this chapter or giving truthful statements or truthful testimony concerning an alleged ethics violation.

“(b) Nothing in this chapter shall be construed in any manner to prevent or prohibit or otherwise limit a supervisor from disciplining, discharging, transferring, or otherwise affecting the terms and conditions of a public employee’s employment so long as the disciplinary action does not result from or is in no other manner connected with the public employee’s filing a complaint with the commission, giving truthful statements, and truthfully testifying.

“(c) No public employee shall file a complaint or otherwise initiate action against a public official or other public employee without a good faith basis for believing the complaint to be true and accurate.

“(d) A supervisor who is alleged to have violated this section shall be subject to civil action in the circuit courts of this state pursuant to the Alabama Rules of Civil Procedure as promulgated by the Alabama Supreme Court.

“(e) A public employee who without a good faith belief in the truthfulness and accuracy of a complaint filed against a supervisor, shall be subject to a civil action in the circuit courts in the State of Alabama pursuant to the Alabama Rules of Civil Procedure as promulgated by the Supreme Court. Additionally, a public employee who without a good faith belief in the truthfulness and accuracy of a complaint as filed against a supervisor shall be subject to appropriate and applicable personnel action.

“(f) Nothing in this section shall be construed to allow a public employee to file a complaint to prevent, mitigate, lessen, or otherwise to extinguish existing or anticipated personnel action by a supervisor. A public employee who willfully files such a complaint against a supervisor shall, upon conviction, be guilty of the crime of false reporting.

“§36-25-26.

“No person, for the purpose of influencing legislation, may do either of the following:

“(1) Knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch, or,

“(2) Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such the member in writing of the truth.

“§36-25-27.

“(a)(1) Any Except as otherwise provided, any person subject to this chapter who knowingly or willfully intentionally violates any provisions provision of this chapter other than the requirements of financial and lobbying disclosure those for which a separate penalty is provided for in this section shall, upon conviction, be found guilty of a Class B felony, and shall be fined not more than \$10,000.00 or less than \$2,001.00, or shall be imprisoned for not more than 10 years but not less than two years or any combination thereof.

“(2) Any person subject to this chapter who violates any provision of this chapter other than those for which a separate penalty is provided for in this section shall, upon conviction, be guilty of a Class A misdemeanor.

“(2) (3) Any person subject to this chapter who knowingly or willfully violates any disclosure requirement of this chapter shall, upon conviction, be found guilty of a Class A misdemeanor, and shall be punished by a fine of \$10.00 a day for each day the appropriate disclosure statement is

delinquent or the proper information is unreported, not to exceed \$1,000.00 annually:

~~“(b) All prosecutions for violations of the provisions of this chapter shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.~~

~~“(c) The penalties prescribed in this chapter do not limit the power of either house of the legislature to discipline its own members or to impeach public officials and do not limit the powers of agencies or commissions to discipline their respective officials or employees.~~

~~“(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this chapter, and the venue of any action under this chapter shall be in the county of the residence of the defendant.~~

“(4) Any person who knowingly makes or transmits a false report or complaint pursuant to this chapter shall, upon conviction, be guilty of a Class A misdemeanor and shall be liable for the actual legal expenses incurred by the respondent against whom the false report or complaint was filed.

“(5) Any person who makes false statements to an employee of the commission or to the commission itself pursuant to this chapter without reason to believe the accuracy of the statements shall, upon conviction, be guilty of a Class A misdemeanor.

“(6) Any person subject to this chapter who intentionally violates this chapter relating to secrecy shall, upon conviction, be guilty of a Class A misdemeanor.

“(7) Any person subject to this chapter who intentionally fails to disclose information required by this chapter shall, upon conviction, be guilty of a Class A misdemeanor.

“(b) The commission if petitioned or agreed to by a respondent and the Attorney General or district attorney having jurisdiction, by unanimous vote of the members present may administratively resolve a complaint filed pursuant to this chapter for minor violations. The commission may levy an administrative penalty not to exceed one thousand dollars (\$1,000) for any minor violation of this chapter including, but not limited to, the failure to timely file a complete and correct Statement of Economic Interests. The commission shall, in addition to any administrative penalty, order restitution in the amount of any economic loss to the state, county, and municipal

## 14th Day

governments and their instrumentalities and such restitution shall when collected be paid by the commission, to the entity having the economic loss. In any case in which an administrative penalty is imposed, the administrative penalty shall not be less than three times the amount of any economic loss to the state, county, and municipal governments or their instrumentalities or any economic gain or benefit to the public official or public employee, or which ever sum is greater. The commission, through its attorney, shall institute proceedings to recover any penalties or restitution or other such funds so ordered pursuant to this section which are not paid by, or on behalf of the public official or public employee or other person who has violated this chapter. Nothing in this section shall be deemed in any manner to prohibit the commission and the respondent from entering into a consent decree settling a complaint which has previously been designated by the commission for administrative resolution, so long as the consent decree is approved by the commission. If the commission, the respondent, and the Attorney General or district attorney having jurisdiction, all concur that a complaint is deemed to be handled administratively, the action shall preclude any criminal prosecution pursuant to this chapter at the state, county, or municipal level.

“(c) The enforcement of this chapter shall be vested in the commission; provide however, nothing in this chapter shall be deemed to limit or otherwise prohibit the Attorney General or the District Attorney for the appropriate jurisdiction from enforcing any provision of this chapter as they deem appropriate. In the event the commission, by majority vote, finds that any provision of this chapter has been violated, the alleged violation and any investigation conducted by the commission shall be referred to the district attorney of the appropriate jurisdiction or the Attorney General. The commission shall provide any and all appropriate assistance to such district attorney or Attorney General. Upon the request of such district attorney or the Attorney General, the commission may institute, prosecute, or take such other appropriate legal action regarding such violations, proceeding therein with all rights, privileges, and powers conferred by law upon assistant attorneys general.

“(d) Nothing in this chapter limits the power of the state to punish any person for any conduct which otherwise constitutes a crime by statute or at common law.

“(e) The penalties prescribed in this chapter do not in any manner limit the power of a legislative body to discipline its own members or to impeach public officials and do not limit the powers of agencies, department boards, or commissions to discipline their respective officials, members, or employees.



“(f) Each circuit court of this state shall have jurisdiction of all cases and actions relative to judicial review, violations, or the enforcement of this chapter, and the venue of any action pursuant to this chapter shall be in the county in which the alleged violation occurred, or in those cases where the violation or violations occurred outside the State of Alabama, in Montgomery County. In the case of judicial review of any administrative decision of the commission, the commission’s order, rule, or decision shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the commission as to the weight of the evidence on questions of fact except where otherwise authorized by law.

“(g) Any felony prosecution brought pursuant to this chapter shall be commenced within three years after the commission of the offense.

“(e) (h) Nothing in Any misdemeanor prosecution brought pursuant to this chapter is intended to nor is to shall be construed as repealing in any way the provisions of any of the criminal laws of this state commenced within two years after the commission of the offense.

“(i) Nothing in this chapter is intended to nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

“§36-25-28.

“Nothing in ~~the provisions of~~ this chapter shall be construed as to deprive any citizen, not lobbying, ~~for hire of his~~ the citizen’s constitutional right to communicate with members of the legislature.

“§36-25-29.

~~“The legislature shall appropriate such sums as it deems necessary to implement the provisions of~~

“The legislature shall appropriate such sums as it deems necessary to implement the provisions of and administer this chapter.

“§36-25-30.

“This chapter shall be construed in pari materia with other laws dealing with the subject ~~matter hereof of ethics, and repeals all laws and parts of laws in conflict herewith.~~”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

**14th Day**

Section 3. Section 36-25-25, Code of Alabama 1975, is repealed.

Section 4. This act, upon its passage and approval by the Governor, or upon its otherwise becoming a law, shall become effective on October 1, 1995. Notwithstanding the foregoing, the language amending Section 36-25-13 shall become operative one year after the passage and approval by the Governor of this act, or upon its otherwise becoming a law.

Section 5. Nothing in this act shall be applied retroactively after the passage and approval by the Governor of this act, or upon its otherwise becoming law, as to any action or inaction which occurred before the effective date of this act.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

And said Bill, HB 135, as thus amended, was read a third time at length and passed.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### SR 81. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bill shall be the special, paramount and continuing order of business upon pas-

sage of this Senate Resolution and for each day thereafter taking precedence over all other business until disposed of:

<b>H. 438</b>	Page
Industrial development, tax credit auth. on cert. new business, effective date alt., Act 93-851, 1993 1st Sp. Sess. am'd., Sec. 41-10-44.8 am'd.	95

On motion of Senator Lindsey, the Resolution was adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., HB 438, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Bailey, Barron, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom  
-25

Nay: Senator Smith

- 1

### SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

**H. 438.** To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the

capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

### **RECESS**

At 7:10 P.M., on motion of Senator Mitchell, the Senate took a recess until 8:45 P.M.

The recess period having expired, at 8:45 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

### **FURTHER CONSIDERATION OF HB 438**

The Senate proceeded to further consideration of the Bill, HB 438.

Senator Smith offered the following amendment to the Bill, HB 438, to-wit:

### **SMITH AMENDMENT TO HB 438**

On page 6, line 7, delete the language "limited liability company,"

On motion of Senator Mitchell, said amendment was laid on the table.

Yeas 21 Nays 9

Yeas:

Senators:

Barron, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee,

REGULAR SESSION  
14th Day

791

Hale, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -21

Nays:

Senators:

Adams, Amari, Armistead, Biddle, Escott-Russell, Hill, Little, Smith, and Waggoner - 9

Senator Smith then offered the following amendment No. 2 for the Bill, HB 438, to-wit:

**SMITH AMENDMENT NO. 2 TO HB 438**

On page 7, after line 11, insert the following language:

(d) A project the capital costs of which are not less than two million dollars (\$2,000,000) which is spent in expansion or modernization for the purpose of preserving the existing jobs of an industry.

On motion of Senator Roberts, said amendment was laid on the table.

Senator Smith then offered the following amendment No. 3 for the Bill, HB 438, to-wit:

**SMITH AMENDMENT NO. 3 TO HB 438**

On Page 3, line 2, after the period, insert the following language:

Notwithstanding the foregoing, wages for agriculture, forestry, aquaculture or horticulture, and any related growing, processing and marketing of related products shall be subject to the local labor market for that industry.

Senator Roberts moved that said amendment be laid on the table, which motion was lost.

Yeas 12 Nays 18

Yeas:

Senators:

Bailey, Butler, Denton, Dixon, Freeman, Ghee, Hill, Lindsey, Little, Roberts, Sanders, and Smitherman -12

Nays:

Senators:

Adams, Amari, Armistead, Barron, Biddle, Davidson, Dial, Escott-Rus-

sell, Figures, Hale, Mitchell, Mitchem, Myers, Poole, Smith, Steele, Waggoner, and Windom -18

And said Smith amendment No. 3 was then adopted.

Yeas 22 Nays 8

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Dial, Escott-Russell, Figures, Hale, Hill, Little, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nays:

Senators:

Amari, Bailey, Denton, Dixon, Freeman, Ghee, Lindsey, and Roberts - 8

Senator Lindsey offered the following amendment for the Bill, HB 438, as amended, to-wit:

#### **LINDSEY AMENDMENT TO HB 438, AS AMENDED**

On page 6, line 5, delete the period and insert a comma and the following:

“or any process or treatment facility which recycles, reclaims, or converts materials, which include solids, liquids, or gases, to a reusable product.”

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

And said Bill, HB 438, as thus amended, was read a third time at length and passed.

Yeas 24 Nays 6  
Abstaining 1

Yeas:

Senators:

Armistead, Bailey, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -24

Nays:

Senators:

Adams, Amari, Barron, Biddle, Smith, and Waggoner - 6

Abstaining: Senator Little - 1

Senator Mitchell moved that the Senate reconsider the vote by which the Bill, HB 438, was passed and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### **BILL RE-REFERRED**

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the Bill, HB 379, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, HB 379, re-referred to the Standing Committee on Economic Expansion and Trade.

### **RESOLUTION**

Senators Windom, Freeman, Mitchem, Bailey, Butler, Hill, Davidson, Steele, Dixon, Lindsey, Smith, Adams, Lipscomb, Escott-Russell, Clay, Armistead, Waggoner, Figures, Amari, Little, Denton, Dial, Mitchell, Roberts, Myers, Ghee, Langford, Hale, Biddle, Poole, Smitherman, Barron, McClain, and Sanders requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 82. URGING CONGRESS TO REPEAL THE JET FUEL TAX.**

WHEREAS, the airline industry has been struggling through the worst financial crisis in its history, losing over \$13 billion since 1990, and being forced to eliminate over 125,000 jobs; and

WHEREAS, the travel and tourism industry has also been adversely affected by the financial woes of the industry; and

WHEREAS, unless H.R. 752 or S. 304 are enacted, a new jet fuel tax of 4.3 cents per gallon will take effect October 1, 1995, further crippling the industry and resulting in further tourism decline, decreased state and local tax revenues, and fewer jobs created; and

WHEREAS, airlines, aviation labor organizations, airports, aircraft manufacturers, domestic jet fuel suppliers, and travel and business interests have merged in unprecedented opposition to the tax; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby strongly urge the United States Congress to support the repeal of the October 1, 1995, aviation fuel tax by supporting H.R. 752 and S. 304.

BE IT FURTHER RESOLVED, That each member of the Alabama Delegation in Congress be sent a copy of this resolution so that they may be informed of our earnest concern regarding this significant matter.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 75      SJR 76      SJR 77      SJR 79      SJR 80

Delivered to the Governor on June 6, 1995, at 2:12 P.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.



**REGULAR SESSION**  
**14th Day**

795

**ADJOURNMENT**

At 10:10 P.M., on motion of Senator Mitchell, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, June 8, 1995, at 10 o'clock A.M.

## **FIFTEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 8, 1995**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Clifford Terrell, Minister, Gospel Tabernacle Church of God in Christ, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Peter Costello, Maxwell Elementary School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-33

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senators Dial and Lipscomb for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Little and Clay (With Notice and Proof):

**S. 518.** To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 518, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Freeman:

**S. 519.** To provide for the suspension or revocation of professional, occupational, business, drivers, and recreational licenses for the failure to pay support, and to establish criteria for reissuing such licenses.

Committee on Economic  
Expansion and Trade

By Senator Bailey (With Notice and Proof):

**S. 520.** Relating to Houston County; amending Act No. 89-

480 of the 1989 Regular Session, which levies a special county privilege and license tax; to redefine certain terms; to provide further for the collection of the tax; to authorize and provide for the collection of certain municipal privilege and license taxes by the Houston County Commission instead of the State Department of Revenue; to provide certain prerequisites for the collection of the tax and the time and manner of collection of the tax; to provide for a charge by the Houston County Commission for the collection of the tax; and to provide for when an amendment of a municipal ordinance levying the tax is effective and when the Houston County Commission is to perform its duties under this act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 520, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bailey:

**S. 521.** Amending Section 15-10-3, Code of Alabama 1975, which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of family violence; and to expand the definition of family or household member.

Committee on Governmental Affairs

By Senator Bailey:

**S. 522.** To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

Committee on Governmental Affairs

By Senator Bailey:

**S. 523.** To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

Committee on Governmental Affairs

By Senator Bailey:

**S. 524.** Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

Committee on Governmental Affairs

By Senator Butler:

**S. 525.** To amend Section 40-18-15, Code of Alabama 1975, to provide a deduction in state taxes for premiums paid for qualifying long-term care coverage; to provide requirements which a qualifying long-term care contract shall meet.

Committee on Finance and  
Taxation General Fund

By Senator Steele:

**S. 526.** To provide for the Alabama Mental Health Consumers' Rights Act.

Committee on Health  
and Human Resources

By Senators Smitherman and McClain:

**S. 527.** To make an appropriation of \$500,000 from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1996 for the purpose of establishing and operating a High Intensive Treatment Program (boot camp) in Jefferson County.

Committee on Finance  
and Taxation Education

By Senators Smitherman and McClain:

**S. 528.** To establish the Environmental Equity and Justice

Commission to review and eliminate the disproportionate concentration of environmental hazards; to provide for public hearings and the administration of the commission; and to make an appropriation.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Barron (With Notice and Proof):

**S. 529.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Bridgeport in Jackson County.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 529, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator McClain (With Notice and Proof):

**S. 530.** Relating to Jefferson County; to require that the Jefferson County Personnel Board include in the scoring of employment tests only those job-related factors that objectively measure the relative qualifications of competing applicants and promotion candidates and that are not discriminatory and require that the certification list reflects the racial and gender composition of the qualified applicant pool.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 530, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron:

**S. 531.** To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of obscene material or the possession of obscene material with the intent to distribute or the production of obscene material for pecuniary value.

Committee on Governmental Affairs

By Senators Sanders, Smitherman, Freeman, Figures, Steele, McClain, and Waggoner:

**S. 532.** Proposing an amendment to the Constitution of Alabama of 1901, to authorize the levy of a minimum local ad valorem tax for school purposes in each local school system in the state and to provide the procedure to further increase local ad valorem taxes in local school systems; to provide that all school taxes levied pursuant to the constitution shall be disregarded in determining whether ad valorem taxes levied with respect to any property in the state exceed the limitation imposed by paragraph (i) of Amendment 373.

Committee on Finance  
and Taxation Education

The above Bill was read a first time at length as required by the Constitution.

By Senator Windom:

**S. 533.** To provide for a retroactive effect for the sales tax exemption for gross receipts from the operation of bingo games.

Committee on Finance and  
Taxation General Fund

By Senator Waggoner:

**S. 534.** To amend Section 2 of Act No. 94-768 of the 1994 First Special Session, now appearing as Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain beneficiaries, pensioners, and annuitants.

Committee on Finance and  
Taxation General Fund

By Senator Waggoner:

**S. 535.** Relating to the issuance of a special events license to sell alcoholic beverages; to amend Section 28-3A-20 of the Code of Alabama 1975, so as to reduce the minimum advance application period.

Committee on Finance and  
Taxation General Fund

By Senator Hill:

**S. 536.** To phase in the tuition rate that public institutions of higher education charge to out-of-state resident students and to define residency and tuition policy for out-of-state students.

Committee on Fiscal Responsibility  
and Accountability

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### **SR 83. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Fifteenth Legislative day immediately upon adoption of this resolution.

	Page
By Senator Bedford:	
<b>S. 99</b>	1
Sheriffs, minimum salary incr., Sec. 36-22-16 am'd.	
By Senator Denton:	
<b>S. 300</b>	101
Tax assessors, collectors, revenue commissioners, min. comp. incr., fees incr., Secs. 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-6A-2, 40-7-19, 40-7-32, 40-10-27, 40-10-29 am'd.	
By Senator Lindsey:	
<b>S. 239</b>	100
County Commissions, comp. of members and chair, Sec. 11-3-4.1 am'd.	
By Rep. Fuller:	
<b>H. 233</b>	66
State agencies, various, supp. approp., state agencies, various, approp. reduced	



REGULAR SESSION  
15th Day

803

By Senator Windom:	
<b>S. 260</b>	63
Trusts, express powers of trustees provided for	
By Senator Dixon:	
<b>S. 232</b>	10
State employees, paid leave for assisting Red Cross during disasters	
By Senator Freeman:	
<b>S. 368</b>	76
Motor vehicles, accident reports and security documentation provided to Director of Public Safety, Secs. 32-7-5, 32-7-6 am'd.	
By Senator Langford:	
<b>S. 215</b>	28
Military, leave of absence with pay, converted from 21 days to 168 hours, Sec. 31-2-13 am'd.	
By Senator Figures:	
<b>S. 315</b>	74
Discrimination in employment based on age, prohib.	
By Senator Lipscomb:	
<b>S. 284</b>	29
Governor Order of Honorable Alabama Generals, created	
By Senator Roberts:	
<b>S. 55</b>	17
Sales tax, not levied on goods withdrawn from inventory and not for permanent use, Sec. 40-23-1 am'd.	
By Senator Butler:	
<b>S. 371</b>	48
American Bowling Congress, st., co., mun., sales and use tax exempt	
By Senator Butler:	
<b>S. 128</b>	58
Corrections Dept., inmates in co. jails, responsibility of dept. for medical care, Sec. 14-3-30 am'd.	
By Senator Little:	
<b>S. 385</b>	83
Indigent defense services, contract counsel system, county	

use provided, Secs. 15-12-1, 15-12-4, 15-12-25 am'd.

By Rep. McMillan:

**H. 150**

89

Real estate agencies and licensees, estab. of rights and duties

By Rep. Boyd:

**H. 293**

54

Special Educational Trust Fund, name changed to Education Trust Fund

By Senator Mitchem:

**S. 88**

23

Municipalities, junkyards, license and regulate in police jurisdiction

By Senator Hale:

**S. 421**

65

Utilities, alt. method of regulation by Public Service Commission, Sec. 37-1-80 am'd.

By Senator Freeman:

**S. 31**

99

Employees' Retirement System, reopened for purchase of prior service credit by employees of Economic Opportunity Office

By Senator McClain:

**S. 329**

26

Bicycle helmets, required, personal or leased bicycles, requirements for businesses, parents, guardians, minor children, penalties

By Senator Figures:

**S. 328**

85

Utilities, weatherization program, estab.

By Senator Bailey:

**S. 116**

78

Alcoholic beverages, false ID's to obtain, penalties incr. Sec. 28-3A-25 am'd.

By Senator Mitchem:

**S. 96**

50

Marine sanitation, residence boats and vessels reg., Envi-

ronmental Management Dept. to admin., penalties, fees,  
Secs. 33-6-1 to 33-6-12 repealed

By Senator Figures:

**S. 36** 29  
Motor vehicles, "Helping Schools" tag, Sec. 32-6-300 am'd.

By Senator Mitchell:

**S. 25** 30  
Worthless checks and negotiable instruments, service charge  
incr., Secs. 8-8-15, 12-17-224, 13A-9-13.1, 13A-9-13.2  
am'd.

By Senator Mitchell:

**S. 22** 16  
Handicapped parking places, unauthorized use of illegal,  
fine increased, mun. may add add'l. fines, Sec. 32-6-233.1

On motion of Senator Lindsey, the Resolution was adopted by the  
Senate.

### **BILL RECONSIDERED**

On motion of Senator Figures, the Senate reconsidered the vote by  
which the Bill, HB 135, was passed.

On motion of Senator Figures, the Senate reconsidered the vote by  
which the Bill, HB 135, was ordered to its third reading.

Senator Figures then offered the following amendment to the Bill,  
HB 135, to-wit:

### **AMENDMENT TO HB 135**

Amend HB 135, at page 67, line 17, delete the language "Four"  
and insert in lieu thereof: "Two"

Amend HB 135, at page 29, line 1, delete the following language:

The Commission is prohibited from initiating a complaint on its  
own volition.

Amend HB 135, at page 22, line 26, delete the language "Section"  
and insert in lieu thereof: "Chapter"

**15th Day**

Amend HB 135, at ~~page 42~~ after line 15 change the lettering of the subsection from “(e)” to “(f)”

On the first Hale Amendment to HB 135, as substituted, reletter the subsection from “(e)” to “(f)”

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Denton, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -26

Nays:

- 0

And said Bill, HB 135, as thus amended, was again read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 424.

Senator Windom, B.I.R., SB 424, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Clay, Davidson, Denton, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

**BILLS ON THIRD READING**

**THE BILL:**

**S. 424.** To further provide for the management of Alabama's marine resources; to amend Section 9-12-113, Code of Alabama 1975, relating to certain licenses for nets and seines, so as to further provide for certain fees, to provide for certain additional requirements to be licensed, to specify certain saltwater game fish, and to provide for a point system whereby the license shall be revoked under certain circumstances; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to require their filing on a monthly basis; to require all saltwater fish and seafood products harvested to be landed in Alabama; and to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further provide for certain lengths thereof; and to provide misdemeanor penalties for violations.

was taken up.

The Standing Committee on Conservation, Environment, and Natural Resources reported the following substitute for the Bill, SB 424, to-wit:

**SUBSTITUTE FOR SB 424**

**A BILL  
TO BE ENTITLED  
AN ACT**

To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "non-resident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation

of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

On motion of Senator Windom, said substitute was laid on the table.

Senator Windom then offered the following substitute for the Bill, SB 424, to-wit:

### **SUBSTITUTE FOR SB 424**

#### **A BILL TO BE ENTITLED AN ACT**

To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "non-resident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation

of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-12-111, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§9-12-111.

“It shall be unlawful for any person, firm or corporation to have in possession on board a boat in the waters of Alabama or in use, any seine, trammel net, gill net or other device for the taking or catching of saltwater fish or other seafoods having in length on the lead cork or main top line more than 500 fathoms (3,000 2,400 feet) except on purse seines where the commissioner of conservation and natural resources may set additional length by regulation. ~~This~~ The measurement shall be on shrimp trawls shall be along the cork line or main top line rather than along the lead line. When two or more nets are joined together, they shall be considered as one, and the total length thereof must not exceed the above limitation. All nets, seines, or trawls exceeding the prescribed length or width as set by law or regulation may be confiscated and held as evidence, and upon conviction, the nets, seines, or trawls shall be forfeited to the Department of Conservation and Natural Resources which shall dispose of forfeited items as it deems advisable. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction. It shall be unlawful for any person, firm, or corporation to have in use any trawl or trawls, for the taking of shrimp or other seafoods, the total width of which exceeds the measurement as set by regulation.”

Section 2. Section 9-12-113, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§9-12-113.

“(a) Each license or permit issued by the Commissioner of Conservation and Natural Resources or his or her authorized agent shall state the name of the applicant. If the applicant is a resident of the state of Alabama, the applicant shall pay ~~a fee of the following fees:~~

“(1) ~~\$25~~ One hundred dollars (\$100) for commercial hook and line fishing;

“(2) ~~\$100~~ Three hundred dollars (\$300) on each net or seine permit of any kind not more than 200 fathoms in length, plus an additional five hundred dollars (\$500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources. \$150 on each seine or net of any kind over 200 but not over 400 fathoms in length, and

“(3) ~~\$500~~ One thousand five hundred dollars (\$1,500) for each purse seine.

“(4) Nonresidents shall pay the following fees: \$500 one thousand five hundred dollars (\$1,500) for each net or seine permit of any kind up to 200 fathoms, plus an additional two thousand five hundred dollars (\$2,500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources, and \$750 for each net or seine of any kind over 200 but not more than 400 fathoms

“(5) Three thousand dollars (\$3,000) for each purse seine except where the nonresident of the State of Alabama is a resident of a state which has a reciprocal fishing agreement with the State of Alabama.

“(b) The net and seine permits provided for in this section and referenced as items (2) and (4) above as to residents and nonresidents shall not be transferable from one person to another for a period of three years from the effective date of the act amending this code section or until a transfer system is developed by departmental regulation, except in the case of proven physical hardship, as determined within the sole discretion of the Director of the Marine Resources Division. The Department of Conservation and Natural Resources shall by regulation establish a system for the transfer of the permits within a three year period. In establishing the system, the department shall provide that there shall be no financial gain realized by the



transferor of the permits. In addition to all other requirements to be permitted pursuant to this section, all applicants for permits referenced as items (2) and (4) above shall submit the following: (1) proof that the applicant purchased a license under this section in at least two of the five years during the period of 1989 through 1993; and (2) proof, in the form of unamended original income tax returns including Alabama state income tax returns for all applicants in accordance with procedures established by departmental regulations, that the applicant recognized his or her applicable Alabama income and derived at least 50 percent of his or her earned income from the capture and sale of seafood species in at least two of the five years during the period of 1989 through 1993 and subsequent years for annual renewal. Only one permit shall be issued per individual. The Alabama Department of Revenue shall verify, upon request, to the Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources the income tax return of the applicant if the applicant authorizes the release of the information. Authorization by the applicant to release the information shall be a prerequisite for a permit. The department shall issue each permittee one decal or placard which shall be visibly displayed on the permittee's designated vessel or vessels in accordance with regulations promulgated by the Department of Conservation and Natural Resources. All nets and seines, except seines 25 feet or less, shall be licensed, and the licensee of the seine or net A permittee shall have only one net or seine in use at any time and shall be present and have the license permit in his or her possession when the net or seine is in use or in transit, provided the presence of the permittee shall not be required when the boat is docked, refueling, or at a launch site. All nets and seines, except purse seines, and seines 25 feet or less, shall bear a tag showing the name and number of the licensee permittee and any other identification as required by regulation, when the nets or seines are in use or on board a boat in the waters of Alabama. A designated vessel of 45 feet in length or less, as measured down the centerline, may have properly marked nets which are the property of the owner of the designated vessel on board the vessel but no fish may be in contact with the nets and provided that the vessel is not in motion and is moored or anchored when the permittee is not present. An initial designated vessel may be replaced by another vessel owned by the permittee that is no longer than 110 percent of the original vessel subject in all events to a maximum of 45 feet except in certain cases which may be waived by the Director of the Division of Marine Resources upon presentation of evidence that a permittee owned a vessel longer than 45 feet prior to the passage of this amendatory act. All permits issued shall be issued to individual persons only. A purse seine license may be issued to a person, firm, or corporation. A nonresident, as mentioned in this section, for the purposes of all permits issued, is defined to be any person who has not been continuously domiciled in this state for more than one continuous year prior to the date of the issuance of the license and for the purpose of purse seine licenses referenced as items (3) and

(5) above, a nonresident is defined to be any person, firm, or corporation who has not been domiciled in this state for more than one continuous year immediately prior to the date of the issuance of the license. All licenses and permits issued pursuant to this section shall expire on September 30 thereafter irrespective of the date of the issuance of the same. All nets and seines fished in an illegal manner, or in an illegal area, are declared to be a nuisance and may be confiscated, along with the entire catch, any boat, motor, or and any other fishing gear in the violator's possession, and all of the items may be held as evidence by any agent of the Department of Conservation and Natural Resources. After conviction of the person in whose possession the device or items were found or when the operator of the device has not been determined after a period of 30 days, the device or items shall be forfeited to the Department of Conservation and Natural Resources which shall destroy or otherwise dispose of the device or items as it shall deem advisable or in lieu of forfeiture, the court may impose additional fines.

"All game fish taken by nets or seines under this law shall be immediately returned to the waters where they were taken with the least possible injury to the fish. Possession of game fish in violation of this paragraph will be considered as using a net or seine in an illegal manner. Saltwater game fish are defined as follows: Spotted Seatrout (*Cynoscion nebulosus*); Red Drum (*Sciaenops ocellata*); Tarpon (*Megalops atlanticus*); and those species designated by regulation of the Department of Conservation and Natural Resources. The department shall by regulation to the extent possible establish a tagging system to regulate importation or sale of the above listed species or species added by regulation.

"(c) In addition to the penalties provided in subsection (a) of this section, a violation of this section or any regulation promulgated pursuant to this section, shall be a Class B misdemeanor punishable as provided by law; provided, however, that there shall be a mandatory minimum fine of \$1,000 for first offenses of utilizing a net or seine without the required license or permit hereunder, and any subsequent offense of subsection (a) committed within a three year period of the date of conviction shall be a Class A misdemeanor, punishable by a mandatory minimum fine of two thousand dollars \$2,000 and a mandatory imprisonment of 10 to 30 days. Any person violating this section or any regulation promulgated pursuant to this act shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

"A 10-point system is also hereby established to provide that in the event a person is convicted of the following offenses as set out in (1) - (5) below in a manner so as to acquire ten or more points within a three year period the department shall automatically and permanently revoke all licenses or permits issued and the licenses, permits, and any decal issued to

that person shall be surrendered immediately by the licensee or permittee to the Director of the Division of Marine Resources upon conviction. Points shall be considered for a period of three years from the date of conviction and shall be as follows:

“(1) Sale, purchase, trade or barter of game fish, 10 points.

“(2) Fishing in closed areas, 5 points.

“(3) Retention of game fish, 5 points.

“(4) Fishing with improperly marked gear, 4 points.

“(5) Points for any other offense established or designated by regulation of the Department of Conservation and Natural Resources, shall be as provided in the regulation relating to the prohibitions of this section.”

Section 3. No person shall do, or attempt to do, any of the following: sell, trade, or barter, or buy, trade for, or barter for, any saltwater game fish specified in Section 9-12-113 or by regulation of the Department of Conservation and Natural Resources. The first offense of this section shall be a Class B misdemeanor with a mandatory minimum fine of one thousand dollars (\$1,000). Any subsequent offenses shall be a Class A misdemeanor with a mandatory minimum fine of two thousand dollars (\$2,000), plus forfeiture of vehicle used in transporting the game fish. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

Section 4. Section 9-12-115, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§9-12-115.

“Each and every person, firm, or corporation holding a ~~wholesale~~ seafood dealer’s license issued by the commissioner of conservation and natural resources or his or her authorized agent shall under oath make a ~~quarterly~~ monthly report to the Director of the Marine Resources Division of the department ~~commissioner~~ of conservation and natural resources on blanks provided for that purpose by ~~such the director commissioner of conservation and natural resources~~, which report shall show in detail the weight in pounds of each species of fish purchased from commercial fishermen during the preceding month. The reports required by this section ~~must~~ shall be in the hands of the ~~director commissioner of conservation and natural resources~~ by the ~~first~~ tenth day of ~~each month for the immediately previous~~

## 15th Day

~~month January, April, July and October of each year, and willful failure or refusal to make the report by the required date or upon notification by the director commissioner of conservation and natural resources that such the~~ report has not been received or the filing of a false report shall be deemed a violation of this section, and the commissioner of conservation and natural resources shall have the discretion to suspend or cancel ~~such the~~ dealer's license until ~~such time as~~ the provisions of this section are complied with, and ~~such the~~ license shall not be used by any person, firm, or corporation until the ~~same dealer's license~~ is restored by ~~said the~~ commissioner of conservation and natural resources. The commissioner may, by regulation, require reports on a more frequent basis for those species managed under a quota system, with the same penalty provisions applicable for failure or refusal to report. The commissioner may by regulation, require the reports to be formatted to comply with gulf-wide trip tickets."

Section 5. All saltwater finfish commercially harvested in the State of Alabama, except those lawfully taken by purse seine, shall be landed in this state and reported through a properly licensed Alabama seafood dealer. Other seafood products commercially harvested in this state shall be landed in this state, or in lieu thereof any subject person shall comply with any reporting procedures established by regulation of the Department of Conservation and Natural Resources. The Commissioner of the Department of Conservation and Natural Resources is hereby authorized to promulgate regulations which provide for and require reporting procedures for both resident and nonresident Alabama commercial fishermen who sell or land seafood products other than finfish outside the State of Alabama. Upon determination by the Commissioner of the Department of Conservation and Natural Resources that any subject person has failed to report as required, the commissioner may revoke any relevant commercial seafood license or permit he or she deems appropriate. Any person who violates this section or any regulation promulgated pursuant to this section, shall be guilty of a Class B misdemeanor, and upon conviction, shall be punished as provided in Sections 13A-5-7 and 13A-5-12, Code of Alabama 1975. Any person so convicted shall be fined not less than one thousand dollars (\$1,000). Any person violating this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

Section 6. Section 9-12-125, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-125.

"Any person, firm, or corporation who ~~shall engage~~ engages in the selling, brokering, trading, bartering, or processing of any fresh or frozen seafood, whether on a consignment basis or otherwise, is a seafood dealer

and shall purchase a seafood dealer's license for a fee of two hundred dollars (\$200) for Alabama residents domiciled for a period of more than one continuous year immediately preceding date of issuance and four hundred dollars (\$400) for nonresidents except for residents of states which charge Alabama residents in excess of four hundred dollars (\$400) for the activity, in which case it shall be the amount the other state charges \$125.00. To obtain the license, all entities other than brokers shall have and present proof of a business license from the location of the business, a tax identification number, and the appropriate seafood processing health permit. ~~provided however, that this~~ This license is not required by nonresident seafood dealers buying from or selling to a licensed Alabama seafood dealer or licensed commercial fishermen when selling their catch to a licensed Alabama seafood dealer nor by retail grocers or restaurants where the seafood is cooked and sold for consumption on or off its premises. ~~provided however, that restaurants~~ Restaurants and retail grocers shall not purchase seafoods from any person, firm, or corporation that is not licensed to sell seafoods in Alabama ~~unless said restaurant or retail grocer shall have first purchased an Alabama seafood dealer's license.~~ If the licensee owns or operates more than one place of business, then additional dealer's licenses must be purchased for each separate place of business, providing the location of each. A vehicle used solely for transporting seafoods to or from an Alabama seafood dealer is not considered a place of business. A vehicle or ~~vessel~~ vehicles owned or operated by a licensed Alabama seafood dealer from which seafood is sold to, or purchased from, any person, firm, or corporation other than an Alabama seafood dealer, is a place of business and must shall be licensed under the provisions of this section, and the owner The seafood dealer shall purchase a license for the vehicles for a fee of one hundred dollars (\$100) per license and the operator of the vehicle shall have the original license in his or her possession when selling or buying seafood from that vehicle ~~shall provide the vehicle tag number or vessel name and registration number as well as his legal mailing address.~~ Seafood dealers may purchase seafoods only from commercial fishermen validly licensed in Alabama; Alabama seafood dealers and any nonresident seller ~~which~~ who is validly licensed to sell seafoods under the laws of that state. It shall be unlawful for any person, firm, or corporation to sell, ~~broker, trade, barter, or process~~ seafoods as provided for in this section without first purchasing a seafood dealer's license. Any person, firm, or corporation violating ~~any of the provisions of this section shall, upon conviction, be guilty of a Class C~~ A misdemeanor, with a minimum mandatory fine of one thousand dollars (\$1,000) for first offenses, two thousand five hundred dollars (\$2,500) for second offenses within three years of the date of the first conviction, and five thousand dollars (\$5,000) and a mandatory jail sentence of 10 to 30 days for conviction of any subsequent offenses within three years of the date of the first conviction."

**15th Day**

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that Sections 1 and 6 of this act shall be effective October 1, 1995. Upon the effective date of this act no additional net or seine licenses, pursuant to Section 9-12-113 of the Code of Alabama 1975, shall be issued for the fiscal year 1994-95 license year.

Which was adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Amari, Armistead, Bailey, Clay, Davidson, Denton, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nay: Senator Sanders - 1

And said Bill, SB 424, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 1

Yeas:

Senators:

Amari, Armistead, Bailey, Clay, Davidson, Denton, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nay: Senator Sanders - 1

### **BUDGET ISOLATION RESOLUTION**

Senator Hale, B.I.R., SB 99, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Butler, Davidson, Denton, Dixon, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -22

Nays: - 0

**SPECIAL ORDER  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**S. 99.** To amend Section 36-22-16, Code of Alabama 1975, relating to the minimum compensation to be paid to sheriffs; to provide for an increase in that compensation, and to provide an expense allowance under certain circumstances.

And said Bill, SB 99, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 16 Nays 5

Yeas:

Senators:

Adams, Butler, Clay, Denton, Dixon, Figures, Ghee, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Sanders, Waggoner, and Windom -16

Nays:

Senators:

Amari, Bailey, Hill, Little, and Poole

- 5

Senator Windom moved that the Senate reconsider the vote by which the Bill, SB 99, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**BUDGET ISOLATION RESOLUTION**

Senator Denton, B.I.R., SB 300, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Butler, Clay, Davidson, Denton, Dixon, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Waggoner, and Windom -23

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 300.** To amend Section 40-6A-2, Code of Alabama 1975,

which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 4

Yeas:

Senators:

Adams, Bailey, Barron, Butler, Davidson, Denton, Figures, Freeman, Ghee, Langford, Lindsey, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, and Windom -19

Nays:

Senators:

Hill, Little, Poole, and Smith - 4

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said



Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**S. 242.** Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

Also:

**S. 317.** To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 77.** To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

GREG PAPPAS,  
Clerk.

### **SUNSET LAW**

Pursuant to the provisions of Act No. 79-582, the Senate proceeded to consideration of the Sunset Bills.

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., HB 112, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Butler, Davidson, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 112.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following substitute for the Bill, HB 112, to-wit:

**SUBSTITUTE FOR HB 112**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors with certain modifications; to amend Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36, Code of Alabama 1975, so as to provide further for reciprocity; to provide further for board membership qualifications; and to eliminate the requirement that excess appropriated funds transfer to the State General Fund at the end of the fiscal year.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Registration for

Professional Engineers and Land Surveyors, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors, created and functioning pursuant to Sections 34-11-1 to 34-11-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36 of the Code of Alabama 1975, are amended to read as follows:

“§34-11-4.

“The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, certification as an engineer-in-training, or registration as a professional land surveyor, respectively:

“(1) PROFESSIONAL ENGINEER.

“a. Graduation and ~~Experience Plus Examination~~ experience plus examination.

“1. Graduation in an approved engineering curriculum plus four years experience. — A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing; and with a specific record of an additional four years or more of experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects and, after passing the examination in the fundamental engineering subjects, shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified. In counting years of experience, the board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering.

“2. Graduation in an unapproved engineering curriculum plus six years experience. — A graduate of an unapproved engineering curriculum of four years or more and with a specific record of six years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination

in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified.

“3. Graduation in an approved engineering technology or related science curriculum plus eight years experience. — A graduate of an approved engineering technology curriculum of four years or more from a school or college approved by the board or a graduate of a related science curriculum of four years or more and with a specific record of eight years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified.

“b. Experience ~~Plus Examination~~ plus examination. — Prior to December 31, 1992, ~~but not thereafter~~, an applicant having a specific record of 12 years or more of progressive experience in engineering work of a character and grade satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified.

“c. Reciprocity. — The board may, upon application ~~therefor~~, issue a certificate of registration as a professional engineer to any person who holds a valid certificate issued by ~~the committee on national engineering certification of the national council of engineering examiners~~ a national examination organization for engineers and land surveyors as selected by the board, or of any state or territory or possession of the United States, the District of Columbia, or of any country; provided, that the qualifications of the applicant ~~applicant's qualifications~~ meet the requirements of this chapter and the rules established by the board. Such an applicant may, at the discretion of the board, be authorized to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect

until the board acts upon the application. The interim permit may be issued upon submission of documentation and a fee which shall be established by regulation of the board, not to exceed fifty dollars (\$50).

“(2) ENGINEER-IN-TRAINING.

“a. Graduation ~~Plus Examination~~ plus examination. Graduation plus training for ENGINEER-IN-TRAINING includes any of the following combinations:

“1. Graduation in an approved engineering curriculum. — A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing and successfully passing an eight-hour written examination in the fundamental engineering subjects;~~or,~~

“2. Graduation in an unapproved engineering curriculum plus two years experience. — A graduate of an unapproved engineering curriculum of four years or more and with a specific record of two years or more of progressive experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects;~~or,~~

“3. Graduation in an approved engineering technology or related science curriculum plus four years experience. — A graduate of an engineering technology curriculum or of a related science curriculum of four years or more and with a specific record of four years or more of experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects.

“b. Experience ~~Plus Examination~~ plus examination. — Prior to December 31, 1988, ~~but not thereafter,~~ an applicant having a specific record of six years or more of experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects.

“c. Reciprocity. — Engineer-in-training examinations of comparable character taken and passed in other states may be accepted by the board.

“d. Engineer-in-training certification. — The certification of an engineer-in-training shall be valid for a period of 10 years, except that applicants qualifying under paragraph b of subdivision (2)~~b~~ of this section may not be qualified for registration as a professional engineer after December 31, 1992.

## “(3) PROFESSIONAL LAND SURVEYOR.

“a. Graduation and ~~Experience Plus Examination~~ experience plus examination.

“1. Graduation in approved curriculum plus two years experience. — A graduate of a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying, with an additional two years or more of experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying, shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing ~~such the~~ examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he or she is otherwise qualified.

“2. Graduation in unapproved engineering curriculum plus four years experience. — A graduate of an unapproved engineering curriculum of four years or more or a graduate of an approved land surveying technology curriculum and with a specific record of four years or more of progressive experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing ~~such the~~ examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he or she is otherwise qualified.

“b. ~~Experience Plus Examination~~ experience plus examination. — An applicant having a specific record of eight years or more of experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing ~~such the~~ examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he or she is otherwise qualified.

“(4) CHARACTER. — No person shall be eligible for registration as a professional engineer, certification as an engineer-in-training, or registration as a professional land surveyor who is not of good character and reputation.

“(5) TEACHING CREDITS. — In considering the qualifications of applicants, engineering teaching with the rank equivalent to assistant professor or higher in an engineering curriculum approved by the board may be construed as equivalent to engineering experience.

“(6) NONPRACTICING APPLICANTS. — Any person having the necessary qualifications prescribed in this chapter to entitle him or her to registration shall be eligible for ~~such~~ registration although ~~he may not be~~ practicing his or her profession at the time of making ~~his~~ application.”

“§34-11-30.

“~~A state board of registration for professional engineers and land surveyors~~ State Board of Registration for Professional Engineers and Land Surveyors is hereby created. It shall be the duty of the board to administer ~~the provisions of~~ this chapter. The board shall consist of four professional engineers and one professional ~~engineer who is also a registered~~ land surveyor, each of whom shall be appointed by the ~~governor~~ Governor from a list of three persons nominated by a committee. This committee shall consist of one professional engineer or professional land surveyor, respectively, appointed or elected by an active Alabama chapter of each of the following societies: American Society of Civil Engineers; American Institute of Mining, Metallurgical and Petroleum Engineers; American Institute of Chemical Engineers; ~~American~~ Institute of Electrical and Electronics Engineers; American Society of Mechanical Engineers; ~~and~~ Alabama Society of Professional Engineers; and Alabama Society of Professional Land Surveyors. Any other society with active chapters in the state ~~of Alabama~~ having membership qualifications comparable to those of the above societies may petition the board for membership on ~~said~~ the committee, and the board at its own discretion may grant ~~said~~ the membership. Nominees shall have the qualifications required by ~~section~~ Section 34-11-31. The foregoing nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the secretary of the board, who shall advise the above named societies of the meeting at least 30 days before it is held. Each member of the board shall receive a certificate of ~~his~~ appointment from the ~~governor~~ Governor and before beginning his or her term of office shall file with the ~~secretary of state~~ Secretary of State his or her written oath or affirmation for the faithful discharge of his or her official duty. The members of the board serving on September 15, 1961, shall continue to serve under this chapter until their respective terms ~~shall~~ expire. On

the expiration of the term of each member, the ~~governor~~ Governor shall in the manner heretofore provided appoint for a term of five years a professional engineer ~~or professional land surveyor~~ having the qualifications required by ~~section~~ Section 34-11-31 to take the place of the member whose term on ~~said the~~ board is about to expire. Each member so appointed shall hold office until the expiration of the term for which ~~such the~~ member is appointed or until a successor shall have been duly appointed and ~~shall have~~ qualified."

"§34-11-31.

"Each member of the board shall be a citizen of the United States and a resident of this state, a registered professional engineer ~~or registered professional land surveyor, as the case may be,~~ who holds an unexpired certificate under ~~the provisions of~~ this chapter, who ~~shall have~~ has been engaged in the practice of engineering ~~or land surveying, respectively,~~ for at least 12 years and ~~shall have who has~~ been in responsible charge of important engineering ~~or land surveying, respectively,~~ work for at least five years."

"§34-11-36.

"The executive director of the board shall receive and account for all money derived under ~~the provisions of~~ this chapter, and shall pay ~~the same~~ it monthly to the state treasurer State Treasurer, who shall keep ~~such the~~ money in a separate fund to be known as the "~~professional engineers fund~~ Professional Engineers Fund." ~~Such The~~ fund shall be kept separate and apart from all other money in the treasury, and shall be paid out only by warrant of the ~~comptroller~~ Comptroller upon the treasurer, upon itemized vouchers, approved by the executive director of the board, ~~provided, that no~~ No funds shall be withdrawn or expended except as budgeted and allotted according to ~~the provisions of article~~ Article 4 of ~~chapter~~ Chapter 4 of Title 41, ~~and provided further, that any funds or money in the hands of the state treasurer, known as the professional engineers fund, at the end of the state fiscal year in excess of the sum of \$70,000.00 shall be transferred into the general fund of the state.~~ The money, properties, records, and other things of value owned by or allocated to the ~~professional engineers fund, the board, or the executive director of the board in his or her capacity as such, serving at the time of enactment of this chapter, shall become the property of and be allocated respectively to the professional engineers fund, the board, or the executive director of the board under this chapter.~~ The executive director of the board shall give a surety bond to the state in ~~such a~~ a sum as the board may determine. The premium on ~~said the~~ bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the ~~professional engineers fund.~~ The executive director of the board shall receive such salary as the board shall determine, in addition to com-



compensation and expenses provided for in ~~section~~ Section 34-11-32. The board may employ an executive director and, when necessary, an assistant executive director and fix their compensation and duties. The board may employ such clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the ~~professional engineers~~ fund. Professional Engineers Fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board's delegates to regional and national meetings of, and membership dues to, the National Council of Engineering Examiners and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the ~~comptroller~~ Comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the ~~legislature~~ Legislature in the general appropriation or other appropriation bills."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Smitherman offered the following amendment to the substitute for the Bill, HB 112, to-wit:

### **AMENDMENT TO SUBSTITUTE FOR HB 112**

On page 2, delete lines 2 through 5 in their entirety and insert in lieu thereof the following:

"for board membership qualifications."

On page 2, delete lines 17 through 19 in their entirety and insert in lieu thereof the following:

"qualifications."

On page 13, line 23, after the language "Title 41" delete the language "~~and provided,~~" and insert in lieu thereof the following:

“; and provided,”

On page 13, lines 24 through 26, and on page 14, lines 1 and 2, delete the strike through and restore the original code language.

On page 13, line 26, strike through the following:

~~“the sum of”~~

On page 14, line 1, strike through the figure “\$70,000.00” and insert in lieu thereof the following:

“that amount equal to twenty-five percent of the budget of the board for the previous fiscal year”

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom

-22

Nays:

- 0

And said Bill, HB 112, as thus amended, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom

-22

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., HB 113, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman,  
Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Rob-  
erts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

## **BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 113.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following substitute for the Bill, HB 113, to-wit:

### **SUBSTITUTE FOR HB 113**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects with certain modifications; to amend Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26, Code of Alabama 1975, so as to provide further for the use of the title "landscape architect" in a corporate or partnership name; to provide further for the submission of applications and the qualifications of applicants; to discontinue the issuance of temporary certificates; and to provide for reciprocity with other countries.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board of Examiners of Landscape Architects, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Land-

scape Architects, created and functioning pursuant to Sections 34-17-1 to 34-17-27, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26 of the Code of Alabama 1975, are amended to read as follows:

“§34-17-4.

“(a) A corporation or partnership, as such, may not be licensed or registered to practice landscape architecture ~~or to, but may, if issued a certificate of authorization by the board,~~ use any form of the title “landscape architect” in connection with the corporate or partnership name.

“(b) The right to engage in the practice of landscape architecture is a personal right, based upon the qualifications of the individual evidenced by his license and is not transferable. All final drawings, specifications, plans, reports or other papers or documents involving the practice of landscape architecture, as defined in ~~section~~ Section 34-17-1, when issued or filed for public record, shall be dated and bear the signature and seal of the landscape architect or landscape architects who prepared or approved them.

“(c) Nothing in subsections (a) and (b) of this section shall be construed to prevent the formation of partnerships and corporations as a vehicle for the practice of landscape architecture subject to all the following conditions:

“(1) The practice of or offer to practice landscape architecture for others as defined in ~~section~~ Section 34-17-1 by individual landscape architects licensed under this chapter through a corporation as officers, employees, or agents, or through a partnership as partners, officers, employees, or agents, or the offering or rendering of landscape architecture services by a corporation or partnership through individual landscape architects licensed under this chapter is permitted, subject to the provisions of this chapter; provided, that if all the following requirements are satisfied:

“a. One or more of the corporate officers in the case of a corporation, or one or more of the partners in the case of a partnership, is designated as being responsible for the professional services described in ~~section~~ Section 34-17-1 of ~~said the~~ corporation or partnership and is a landscape architect under this chapter;

“b. All personnel of ~~said the~~ corporation or partnership, who act in its behalf as landscape architects, are licensed under this chapter; ~~and,~~

"c. ~~Said~~ The corporation or partnership has been issued a certificate of authorization by the board, as hereinafter provided.

"The requirements of this chapter shall not prevent a corporation and its employees from performing landscape architectural services for ~~said~~ the corporation, ~~or~~ subsidiary, or affiliated corporations.

"(2) A corporation or partnership desiring a certificate of authorization shall file with the board an application on forms provided by the board listing relevant information, including the names and addresses of all officers and members of the corporation, or officers and partners of the partnership, and also of an individual or individuals duly licensed to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture in this state through ~~said~~ the corporation or partnership, and other information required by the board, accompanied by an original authorization fee to be determined by the board. A form, giving the same information, ~~must~~ shall accompany the annual renewal fee to be determined by the board. In the event there ~~should be~~ is a change in any of these persons during the year, ~~such~~ the change shall be designated on the same form and filed with the board within 30 days after the effective date of ~~said~~ the change. If all of the requirements of this section are met, the board shall issue a certificate of authorization to ~~such~~ the corporation or partnership, and ~~such~~ the corporation or partnership shall be authorized to contract for and to collect fees for landscape architectural services.

"(3) No ~~such~~ corporation or partnership shall be relieved of responsibility for conduct or acts of its agents, employees, or officers by reason of its compliance with the ~~provisions of~~ this section, nor shall any individual practicing landscape architecture as defined in ~~section~~ Section 34-17-1 be relieved of responsibility for landscape architectural services performed by reason of his employment or relationship with such corporation or partnership."

"§34-17-21.

"~~(a)~~ For licensing as a landscape architect, the following evidence ~~must~~ shall be submitted that the applicant:

"(1) Is at least 19 years of age; ~~and,~~

"(2) Has, before making application to the board, completed the course of study in and been graduated from a college or school of landscape architecture approved by the board. ~~He shall also submit before admission to the examination evidence~~ The application for examination shall be ac-

companied by proof of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. Each complete year of study in ~~such an~~ approved college or school of landscape architecture may be accepted in lieu of one year of ~~such practical~~ experience, and the applicant ~~must shall~~ submit evidence of sufficient additional acceptable experience to total ~~six~~ five years of combined education and practical experience. The applicant shall also submit proof of one additional year of practical experience sufficient to total six years of combined education and practical experience. In lieu of graduation from an accredited college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least eight years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board.

~~“(b) The board is authorized to issue a temporary certificate for a period of time not exceeding six months to any nonresident applicant who meets the requirements set out in subsection (a) above.”~~

“§34-17-25.

“The fees prescribed by this chapter shall be in the following amounts:

“(1) The fee for application to the board is ~~\$75.00~~ seventy-five dollars (\$75).

“(2) The fee for examination or reexamination shall be in ~~such an~~ amount as ~~may be~~ established by the board in order to cover all costs of examination, but in no event shall the fee exceed the actual cost of preparing and administering ~~such the exam~~ examination.

“(3) The fee for an original certificate is ~~\$50.00~~ fifty dollars (\$50).

~~“(4) The fee for a temporary certificate is \$250.00.~~

~~“(5) (4) The fee for a duplicate certificate is \$50.00~~ fifty dollars (\$50).

~~“(6) (5) The annual license fee is \$100.00~~ one hundred dollars (\$100) for residents of Alabama and ~~\$150.00~~ one hundred fifty dollars (\$150) for nonresidents.

~~“(7) (6) The penalty fee is \$50.00~~ fifty dollars (\$50), as provided in section Section 34-17-24 of this chapter.”

“§34-17-26.

“The board, subject to the provisions of this chapter and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a landscape architect license, may permit the practice of landscape architecture in this state under a landscape architect license issued under the laws of any other state or country, upon payment of the current fee established by the board, and upon submission of all of the following evidence satisfactory to the board:

“(1) That the other state or country maintained a system and standard of qualifications and examinations for a landscape architect license which were substantially equivalent to those required in this state at the time the license was issued by the other state; ~~and~~.

“(2) That the other state or country gives similar recognition and endorsement to landscape architect licenses of this state.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

On motion of Senator Bailey, the Rules were suspended and further consideration of the Bill, HB 113, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., HB 114, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 114.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**FURTHER CONSIDERATION OF HB 113**

The Senate proceeded to further consideration of the Bill, HB 113, as amended.

Senator Bailey offered the following amendment to the Bill, HB 113, as amended by the substitute, to-wit:

**AMENDMENT TO HB 113, AS AMENDED**

On page 8, line 26, after the word "state" insert the following:



**15th Day**

“or country”

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

And said Bill, HB 113, as thus amended, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., HB 115, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 115.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following substitute for the Bill, HB 115, to-wit:

### **SUBSTITUTE FOR HB 115**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy with certain modifications; to amend Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10, Code of Alabama 1975, so as to provide for the referral by any licensed physician or dentist; to remove those provisions permitting certain short-term unlicensed practice in the state; to provide for the registration of occupational therapy practitioners; and to provide further for license requirements.

#### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Occupational Therapy, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the State Board of Occupational Therapy, created and functioning pursuant to Sections 34-39-1 to 34-39-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10 of the Code of Alabama 1975, are amended to read as follows:  
“§34-39-3.

“In this chapter, the following terms shall have the respective meanings provided in this section unless the context clearly requires a different meaning:

“(1) ASSOCIATION. The Alabama Occupational Therapy Association.

“(2) BOARD. The Alabama ~~state board of occupational therapy~~  
State Board of Occupational Therapy.

“(3) ~~LICENSE. A valid and current certificate of registration is issued by the Alabama state board of occupational therapy~~ State Board of Occupational Therapy.

“(4) ~~PERSON. A human person only, not a legal entity.~~

“(5) (4) OCCUPATIONAL THERAPY. The application of purposeful activity in which one engages for evaluation, treatment, and consultation related to problems interfering with functional performance in persons impaired or threatened by physical illness or injury; psychosocial dysfunction; congenital dysfunction; developmental and learning dysfunction; the aging process; environmental deprivation or anticipated dysfunction; in order to maximize independence, prevent disability, and maintain health. Specific occupational therapy services include, but are not limited to, evaluation techniques such as assessment of sensory motor abilities; assessment of the development of self-care activities and capacity for independence; assessment of the capacity for work readiness and work tasks; assessment of play and leisure performance; and assessment of environmental areas for the handicapped. Specific occupational therapy treatment techniques include activities of daily living (ADL); the design, fabrication, and application of selected splints/ or orthotics, or both; sensorimotor activities and exercise; the use of specifically designed goal oriented arts and crafts; design, fabrication, selection, and use of adaptive equipment; therapeutic activities, modalities, and exercises to enhance functional performance; work readiness evaluation and training. An occupational therapist or occupational therapy assistant is qualified to perform the above activities for which they have received training and any other activities for which appropriate training/ or education, or both, has been received. Notwithstanding any other provision of this chapter, no occupational therapy treatment programs to be rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide shall be initiated without the referral of a licensed physician or dentist ~~licensed to practice in this state~~ who shall establish a medical diagnosis of the condition for which the individual will receive occupational therapy services. In cases of long-term or chronic disease, disability, ~~and/or~~ or dysfunction, or any combination of the foregoing, requiring continued occupational therapy services, the person receiving ~~such~~ occupational therapy services must be reevaluated by a licensed physician or dentist at least annually for confirmation or modification of the medical diagnosis. Occupational therapists employed by state agencies and those employed by the public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the students are exempt from this referral requirement.

“(6) (5) OCCUPATIONAL THERAPIST. A person licensed to practice occupational therapy as defined in this chapter, and whose license is in good standing.

~~“(7) (6) OCCUPATIONAL THERAPY ASSISTANT. A person licensed to assist in the practices of occupational therapy under the supervision of, or with the consultation of, a licensed occupational therapist, and whose license is in good standing.~~

~~“(8) (7) OCCUPATIONAL THERAPY AIDE. A person who assists in the delivery of occupational therapy, who works under direct on-site supervision of an occupational therapist and/or or occupational therapy assistant, or both, and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy.~~

“(8) PERSON. A human person only, not a legal entity.

“(9) WITH THE CONSULTATION OF. The collaboration of two or more persons on a regularly scheduled basis for the purpose of planning, review, or evaluation of occupational therapy services.”

“§34-39-5.

“Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of any of the following persons:

“(1) Any person licensed under any other law of the state of Alabama from engaging in the profession for which he or she is licensed; or,

“(2) Any person employed as an occupational therapist or an occupational therapy assistant by the government of the United States, if such a the person provides occupational therapy solely under the direction or control of the organization by which he or she is employed; or,

“(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such the activities and services constitute a part of a supervised course of study, if such a the person is designated by a title which clearly indicates his or her status as a student or trainee; or,

“(4) Any person fulfilling the supervised fieldwork experience requirements of subdivision (2) of section Section 34-39-8 (2); or,

“(5) Any person performing occupational therapy services within this state not licensed under this chapter, if such services are performed for no more than 30 consecutive calendar days if:

## 15th Day

~~“a. Such a person is licensed under the law of another state which has licensure requirements found by the board to be at least as stringent as the requirements of this chapter; or~~

~~“b. Such a person maintains current certification as an occupational therapist registered or certified occupational therapy assistant with the American Occupational Therapy Certification Board.”~~

“§34-39-7.

“(a) The board shall administer, coordinate, and enforce ~~the provisions of~~ this chapter.

“(b) The board shall, within 90 days of the time at which it is appointed, notify all current practitioners of occupational therapy in the state ~~of Alabama~~, as identified by the American Occupational Therapy Certification Board, of the enactment of this chapter and its otherwise becoming a law.

“(c) The board shall adopt and publish rules and regulations relating to the professional conduct to carry out the policies of this chapter, including but not limited to regulations relating to professional licensure, registration, and the establishment of ethical standards of practice. ~~The state board of medical examiners~~ State Board of Medical Examiners and the ~~alabama state board of occupational therapy~~ Alabama State Board of Occupational Therapy must jointly approve any rule, regulation or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide as those acts, functions, and services are defined in ~~section~~ Section 34-39-3. Any rule, regulation, or policy adopted in violation of this requirement is invalid.

“(d) The board shall evaluate the qualifications of all applicants for licensure under this chapter and shall maintain a register of all persons holding a license and a record of all inspections made.

“(e) The board shall approve all examinations of applicants for licensure at least twice a year, shall determine the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants, and shall renew, suspend, or revoke the licenses in the manner provided.

“(f) The board may investigate complaints and allegations concerning the violation of this chapter and may examine witnesses, issue subpoenas, and administer oaths in connection with these investigations. Hearings

may be conducted, ~~providing~~ provided reasonable public notice is given and records and minutes are kept in accordance with the rules and regulations of the board.

“(g) The board shall make an annual report to the ~~governor~~ Governor which shall contain an account of duties performed, actions taken, and appropriate recommendations.

“(h) The board shall establish a budget in accordance with the requirements of the state ~~of Alabama~~.

“(i) The board ~~is empowered to~~ may establish and publish reasonable fees as established in ~~section~~ Section 34-39-14.

“(j) The board may employ and discharge an executive secretary and ~~such~~ any officers and employees as may be necessary, and shall determine their duties and fix their compensation in accordance with applicable state statutes.”

“§34-39-8.

“An applicant ~~applying~~ for a license licensure as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board fulfillment of all of the following requirements:

“(1) Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board.

“a. For an occupational therapist, such a program shall be accredited by the ~~Committee on Allied Health Education and Accreditation/American Medical Association, in collaboration with~~ Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc.; or an individual may have successfully completed the career mobility program of the American Occupational Therapy Association's career mobility program; Association.

“b. For an occupational therapy assistant, ~~such~~ the program shall be ~~approved~~ accredited by the American Occupational Therapy Association, Inc.

“(2) Applicant shall submit to the board evidence of having successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educa-

tional institution where he or she met the academic requirements.

“a. For an occupational therapist, a minimum of 24 weeks supervised fieldwork experience is required.

“b. For an occupational therapy assistant, a minimum of eight weeks supervised fieldwork experience is required,

“(3) Applicant shall pass an examination as provided for in ~~section~~ Section 34-39-9.”

“§34-39-10.

“(a) The board shall grant a license to any person certified prior to April 17, 1990 as an occupational therapist registered (OTR) or as a certified occupational therapy assistant (COTA) by the American Occupational Therapy Association, Inc. The board may waive the examination, education, or experience and grant a license to any person ~~so~~ certified after April 17, 1990, by a national occupational therapy certification board, if the board considers the requirements for certification to be equivalent to the requirements under the terms of this chapter.

“(b) The board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter.

“(c) The board shall cause notification to be sent to all occupational therapists and occupational therapy assistants presently employed or practicing occupational therapy in this state. The notification ~~must~~ shall summarize the requirements of this chapter and provide information on procedures for obtaining a license.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

**15th Day**

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

And said Bill, HB 115, as thus amended, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., HB 116, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 116.** Relating to the Alabama Sunset Law; to continue the



existence and functioning of the State Licensing Board for General Contractors.

was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., HB 117, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**H. 117.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following substitute for the Bill, HB 117, to-wit:

### SUBSTITUTE FOR HB 117

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and

functioning of the Polygraph Examiners Board with certain modifications; to amend Section 34-25-5, Code of Alabama 1975, so as to provide compensation for advisory consultants.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Polygraph Examiners Board, with the additional recommendation for statutory change of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Polygraph Examiners Board, created and functioning pursuant to Sections 34-25-1 to 34-25-36, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-25-5 of the Code of Alabama 1975, is amended to read as follows:

“§34-25-5.

“(a) The board shall issue regulations and forms consistent with ~~the provisions of this chapter for the administration and enforcement of this chapter and shall prescribe forms which shall be issued in connection therewith.~~

“(b) An order or a certified copy thereof, over board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members and that the board members are fully qualified to act.

“(c) On April 11, 1989, all ~~monies~~ moneys and appropriations credited to the ~~board of polygraph examiners~~ Board of Polygraph Examiners under the provisions of ~~article~~ Article 4 of ~~chapter~~ Chapter 4, Title 41, shall be transferred by the ~~state treasurer~~ State Treasurer to the charge and custody of the ~~board of polygraph examiners~~ Board of Polygraph Examiners of the Alabama ~~department of public safety~~ Department of Public Safety; and ~~said the board of polygraph examiners is hereby charged with administering said shall administer the fund as provided by law. Such~~ The fund is hereby officially known as the board of polygraph examiners fund Board of Polygraph Examiners Fund.

“All fees collected under ~~the provisions of this chapter shall be paid to the board of polygraph examiners fund~~ Board of Polygraph Examiners Fund for the purpose of administering and enforcing ~~the provisions of this~~

chapter. ~~Such fees collected and~~ and shall be deposited in ~~said the~~ the fund.

“Warrants shall be issued by the ~~department of finance~~ Department of Finance, state comptroller’s office Office of the State Comptroller, for board expenses and operation provided that no funds shall be withdrawn except as budgeted and allotted according to ~~the provisions of article~~ Article 4 of chapter Chapter 4 of Title 41 and only in the amounts as stipulated in the general appropriations bill.

“(d) Board members and advisory consultants shall be paid ~~\$100.00~~ one hundred dollars (\$100) per day plus mileage for attendance at regular or special board meetings, only for the actual days of meeting. The board may approve ~~such the~~ the payment for a board member when authorized by the board to perform certain other duties of the board when not in formal, regular, or special session.

“(e) Employees shall be paid the same mileage expenses and travel allowance as provided for regular state employees.

“(f) The board ~~shall have the authority and discretion to~~ may determine all resources necessary for the operation of the board. Purchasing ~~will~~ shall be in accordance with the state bid law.

“(g) The board shall be exempt from payment of state sales tax.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**15th Day**

And said Bill, HB 117, as thus amended, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., HB 118, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**H. 118.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following substitute for the Bill, HB 118, to-wit:

**SUBSTITUTE FOR HB 118**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and

functioning of the Board for Registration of Architects with certain modifications; to amend Section 34-2-33, Code of Alabama 1975, so as to provide further for the examination fee and to provide for reinstatement of a lapsed license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board for Registration of Architects, with the additional recommendation for statutory change of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board for Registration of Architects, created and functioning pursuant to Sections 34-2-30 to 34-2-42, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-2-33 of the Code of Alabama 1975, is amended to read as follows:

“§34-2-33.

“(a) The board shall receive applications for registration as an architect only on forms prescribed and furnished by ~~said~~ the board.

“Upon receipt of ~~such~~ the application and the payment of a fee, as established by the board, for residents and nonresidents, ~~said~~ the fee in no event exceeding ~~\$200.00~~ two hundred dollars (\$200) for residents and ~~\$250.00~~ two hundred fifty dollars (\$250) for nonresidents, the board shall promptly notify the applicant of examination requirements for certification.

“If the board determines the applicant requires examination, the application fee shall apply to the cost of the examination fee, which shall in no event exceed the actual cost of the examination as purchased and administered by the board.

“(b) The board may issue to ~~such an~~ an applicant without further examination, a certificate of registration as an architect, provided ~~such the~~ the applicant holds an unexpired certificate issued to him by the ~~national council of architectural registration boards~~ National Council of Architectural Registration Boards, hereinafter referred to as “NCARB”.

“(c) ~~The~~ Either of the following facts established in the application shall be regarded as prima facie “evidence” satisfactory to the board that the applicant is fully qualified to be examined for certification:

## 15th Day

“(1) Graduation after a course of study of ~~such a~~ length as the board shall by regulation determine from a school or college of architecture accredited by the ~~national architectural accrediting board~~ National Architectural Accrediting Board, hereinafter referred to as “NAAB”, and an additional period of practical experience in architectural work under the control and supervision of a registered architect or architects as the board by regulation shall deem appropriate; ~~or,~~

“(2) Acceptable combinations of education and apprenticeship as may be established by the board; ~~provided further that such acceptable~~ Acceptable combinations of education and apprenticeship shall comply with the standards of education, training and character as set forth in Appendix “A” in the 1983 NCARB Circular of Information Number 1. Applicants for examination who meet the aforementioned qualification must submit notice of intent to sit for the examination before December 30, 1987, or 90 days after the passage of the amendatory act, whichever time period is longer. After ~~such that~~ time, the only qualification for examination acceptable to the board will be graduation from a NAAB accredited school or college and an additional period of practical experience.

“~~Such~~ Unless exempted, applicants must take and pass the professional examination administered by the board.

“(d) In determining the sufficiency of the qualifications of the applicant ~~applicant's qualifications~~ for registration, a majority vote of the members of the board shall be required.

“(e) Certificates for registration shall expire on the thirtieth day of September following their issuance or renewal and shall become invalid on that day unless renewed.

“Certificates of registrants who are or may be in the armed forces of the United States shall not expire until the thirtieth day of September following ~~such registrant's~~ the discharge or final separation of the registrant from the armed forces of the United States.

“(f) Renewal may be effected at any time prior to or during the month of September by the payment of a fee for bona fide residents of the state of Alabama and by the payment of a fee for nonresidents of the state of Alabama; ~~said fees to~~ Fees shall be established ~~in the discretion of by~~ the board, in amounts not to exceed ~~\$75.00~~ seventy-five dollars (\$75) for residents and ~~\$150.00~~ one hundred fifty dollars (\$150) for nonresidents; ~~provided further, however, that renewal must~~ Renewal shall be effected not later than December 31 in order to avoid the penalty prescribed for failure to timely renew.

"A penalty not to exceed the sum of ~~\$75.00~~ seventy-five dollars (\$75) may be added to the renewal fee for failure to renew a certificate upon such terms and conditions as the board may by regulation determine.

"(g) A registrant whose certificate of registration has lapsed may have it reinstated, if in compliance with other relevant requirements, by filing a renewal form and paying, in addition to the appropriate renewal fee and late penalty, a reinstatement fee of one hundred dollars (\$100) for residents and one hundred fifty dollars (\$150) for nonresidents.

~~"(g)~~ (h) There is hereby created, for renewal of certificate purposes, a status to be known as "emeritus status architect," which shall apply to architects who have been registered for 10 consecutive years or longer, and who are 65 years of age or older, and who have retired from active practice. The annual renewal of registration for emeritus status shall be renewed without payment of a fee. If an emeritus status architect subsequently wishes to practice, he may do so without penalty by proper application to the board."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

And said Bill, HB 118, as thus amended, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Davidson, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey, B.I.R., SB 239, adopted.

Yeas 27 Nays 1

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -27

Nay: Senator Smith

- 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 239.** To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

was taken up.

Senator Little offered the following amendment to the Bill, SB 239, to-wit:

**AMENDMENT TO SB 239**

On page 4, line 6, between the words "resolution" and "adopted" insert the following language:

"that has been previously advertised at least once a week for two consecutive weeks in a newspaper having general circulation in the county, and that is"

Which was adopted.

Yeas 17 Nays 8



Yeas:

Senators:

Adams, Armistead, Bailey, Butler, Clay, Davidson, Dixon, Little, McClain, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -17

Nays:

Senators:

Biddle, Denton, Figures, Freeman, Langford, Lindsey, Poole, and Smith - 8

And said Bill, SB 239, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21 Nays 5

Yeas:

Senators:

Adams, Armistead, Biddle, Butler, Davidson, Denton, Dixon, Figures, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, and Windom -21

Nays:

Senators:

Amari, Barron, Clay, Smith, and Steele - 5

Senator Lindsey moved that the Senate reconsider the vote by which the Bill, SB 239, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

#### **HJR 234. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 15, 1995, they adjourn to meet again on Tuesday, June 20, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, June 21, 1995, and when they adjourn on Wednesday

they adjourn to meet again on Thursday, June 22, 1995.

GREG PAPPAS,  
Clerk.

Senator Little offered the following substitute for the Resolution, HJR 234, to-wit:

### **SUBSTITUTE FOR HJR 234**

#### **HJR 234. RELATIVE TO MEETING DAYS.**

On motion of Senator Figures, said substitute was laid on the table.

Yeas 16 Nays 10

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Davidson, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Mitchell, Sanders, Smith, Smitherman, and Steele  
- 16

Nays:

Senators:

Amari, Armistead, Barron, Dixon, Hill, Little, Myers, Roberts, Waggoner, and Windom  
-10

### **HOUSE MESSAGE**

On motion of Senator Figures, the Rules were suspended and the Resolution, HJR 234, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### **RESOLUTION**

Senator Amari requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 84. COMMENDING SYLVIA M. STEWART ON HER MERITORIOUS CAREER WITH THE STATE OF ALABAMA.**

WHEREAS, the October 1994 retirement of Sylvia M. Stewart of Montgomery, Alabama, as secretary to Senators Chip Bailey, Roger Bedford, Jack Floyd, Mac Parsons, and to Senator John Amari since 1984, is an occasion deserving of special recognition of her outstanding career as an accomplished and dedicated member of the Senate staff since 1981; and

WHEREAS, Sylvia Stewart, throughout her tenure, was greatly admired as a loyal and dependable employee and highly regarded for the responsible and efficient manner in which she undertook the many duties and responsibilities of her position, including that as committee clerk on numerous committee assignments; and

WHEREAS, in retirement, we wish Mrs. Stewart health, happiness and more time to share with her husband, Dr. Frederick Stewart, their six children, and their twelve beautiful grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her retirement, in deep and sincere gratitude for outstanding service to the Alabama Legislature and the State of Alabama, highest commendation and heartiest congratulations are hereby extended to Sylvia M. Stewart of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared and delivered to our colleague, John Amari, with instructions to seek out Sylvia M. Stewart at whatever golf course, country club, or place of relaxation she may be located and to express this body's deep admiration and regard upon presentation of this resolution.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

### RECESS

At 12:05 P.M., on motion of Senator Bailey, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

### RESOLUTION

Senator Adams requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 85. COMMENDING LUCILLE WOODHAM FOLEY FOR OUTSTANDING ACCOMPLISHMENT.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Mrs. Lucille Woodham Foley of Opp, Alabama, who

has recently been inducted into the Opp and Covington County Area Chamber of Commerce Hall of Fame; and

WHEREAS, the daughter of Charles Nelson and Ruby Butler Woodham, and a native of Covington County, Mrs. Foley retired in 1990 following 46 years of service with First National Bank of Opp where she has worked in numerous capacities including assistant cashier and senior vice-president; and

WHEREAS, Lucille Foley has served as a charter member and president of the Opp Business and Professional Women's Club, chair of various committees for fundraising projects of Opp, and has a history of distinctive service with numerous organizations including the Opp Historical Society, Alabama Bankers Association, National Association of Bank Women, and the LBW Foundation, to name but a few; and

WHEREAS, Mrs. Foley furthermore served as the 1993-1994 president of the Opp and Covington County Area Chamber of Commerce, proving herself to be an enthusiastic and able leader; and

WHEREAS, a member of the First Baptist Church of Opp where she has selflessly served in many capacities from nursery worker to trustee, Lucille is the dedicated wife of Robert W. Foley, and they are the proud parents of one daughter, Laurie Nell Foley; and

WHEREAS, Lucille Foley has earned widespread respect and admiration for her generous spirit, devoted service, and concern for her fellowman, and she is well deserving of this special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Mrs. Lucille Woodham Foley of Opp, Alabama, upon her induction into the Opp and Covington County Area Chamber of Commerce Hall of Fame, and for her immeasurable contributions to the State of Alabama, and do furthermore direct that a copy of this resolution be provided as evidence of our pride and esteem.

On motion of Senator Adams, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Adams then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 86.    COMMENDING DOROTHY RAINER SELLARS**

OF OPP, ALABAMA, FOR DISTINGUISHED ACCOMPLISHMENTS.

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature honors Mrs. Dorothy Rainer Sellars of Opp, Alabama, who was inducted into the Opp and Covington County Area Chamber of Commerce Hall of Fame; and

WHEREAS, the daughter of Robert S. and Mattie Lea Rainer, and a native of Opp, Mrs. Sellars attended Opp High School, Columbia University, and Huntingdon College where she excelled in academics, was actively involved in student life, and concentrated on her love and enjoyment of dance; and

WHEREAS, in 1953, Dorothy Sellars began her own dance studio, The Dorothy Sellars School of Dance, and through her expertise and leadership, the school has earned national recognition from Dance Magazine, and she has published numerous articles and a book, The Dance Teacher Today; and

WHEREAS, Mrs. Sellars has furthermore selflessly dedicated her efforts to various organizations serving as a member and vice-chairman of the Alabama State Council for the Arts, president of the Huntingdon College National Alumni Board, and a member of the Huntingdon Board of Trustees; and she has furthermore been honored for her exemplary leadership as the recipient of the Loyalty Award and the Achievement Award of Huntingdon College; and

WHEREAS, Dorothy is the devoted wife of William "Doc" Sellars, and they are the proud parents of two sons, Bill and Lee; and

WHEREAS, Dorothy Sellars has earned widespread respect and admiration for her integrity, leadership, and dedication to her students, and is well deserving of this special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Mrs. Dorothy Rainer Sellars of Opp, Alabama, who was inducted into the Opp and Covington County Chamber of Commerce for her immeasurable contributions, and do furthermore direct that a copy of this resolution be provided as evidence of our sincerest pride and esteem.

On motion of Senator Adams, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Denton requested and received permission to suspend the

Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 87.** COMMENDING ALABAMA PUBLIC TELEVISION FOR FORTY YEARS OF EXEMPLARY SERVICE TO THE RESIDENTS OF ALABAMA.

WHEREAS, the Alabama Legislature created the Alabama Educational Television Commission in 1953 for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama; and

WHEREAS, the implementation of a state educational television network in Alabama was the first such network in the United States; and

WHEREAS, the first two stations in the educational television network were signed on the air in 1955, and eventually grew to a nine station network by 1970; and

WHEREAS, Alabama Public Television marks its 40th year of service in 1995, broadcasting 123 hours of programming each week providing learning opportunities to Alabamians of all ages; and

WHEREAS, Alabama Public Television brings a wide variety of national, international, and Alabama-produced programs to the schools and homes of this state; and

WHEREAS, Alabama Public Television broadcasts 18 hours per week of K-12 instructional programming for Alabama teachers to use in classrooms and 16 hours per week of college and adult educational programming for Alabama adults; and

WHEREAS, Alabama Public Television provides 35.5 hours per week of award-winning, nonviolent, commercial-free children's programming serving a combined average daily audience of 181,000 Alabama children; and

WHEREAS, the viewership of Alabama Public Television continues to grow to its current weekly cumulative audience of 28 percent of all Alabama households; and

WHEREAS, the Alabama Educational Television Commission has diversified its funding base as of fiscal year 1995 to 53 percent state, 30 percent private, 14 percent federal, and three percent other funding to address this important educational mission on behalf of the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama commends the Alabama Educational Television Commission and its current members, Jacob A. Walker, Jr., Thomas Jackson, Dr. John H. Mosley, Charles F. Boman, Dr. Dannetta K. Thornton Owens, Ann W. Delchamps, Bebe Williams, and the Alabama Public Television staff for 40 years of exemplary service to the people of Alabama in providing educational resources to Alabama children, K-12 teachers, and adult students, as well as providing news, information, and general programming for all Alabamians.

BE IT FURTHER RESOLVED, That the Legislature expresses its appreciation to the many volunteers throughout Alabama who helped raise private funds and carry out the programs and services of Alabama Public Television, particularly board members, Ann W. Delchamps, Foster McDonald, Joseph B. Mays, Jr., Jacob A. Walker, Jr., Thomas Jackson, Bebe Williams, Lovell Vickers, J. Stanley Mackin, Stephen Allgood, Dr. Dannetta K. Thornton Owens, Dr. John H. Mosley, and Charles F. Boman, who worked to increase private support for Alabama Public Television.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 77.** To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 239.** To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 424.** To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game



fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

PAT LINDSEY,  
Chairperson.

### BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 233, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Davidson, Denton, Escott-Russell, Freeman, Langford, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smitherman, and Windom -21

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**H. 233.** To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Trans-

portation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

was taken up.

The Standing Committee on Finance and Taxation General Fund reported the following substitute for the Bill, HB 233, to-wit:

### **SUBSTITUTE FOR HB 233**

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,221,500 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,980,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically the Unified Judicial System conditional appropriation language by reducing the amount of the conditional appropriation; to provide a supplemental appropriation to the District Attorneys in the amount of \$25,000 from the State General Fund; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority in the amount of \$50,000; to provide a supplemental appropriation to the Department of Human Resources from the State General Fund in the amount of \$921,500; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund; to provide a supplemental appropriation in the amount of \$500,000 from the Public Service Commission

Fund to the Public Service Commission; and to provide for an effective date.

On motion of Senator Barron, said substitute was laid on the table.

Senator Barron then offered the following substitute for the Bill, HB 233, to-wit:

### **SUBSTITUTE FOR HB 233**

#### **A BILL TO BE ENTITLED AN ACT**

To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,121,500 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,750,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$224,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically the Unified Judicial System conditional appropriation language by reducing the amount of the conditional appropriation; to provide a supplemental appropriation to the District Attorneys in the amount of \$25,000 from the State General Fund; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the

Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority in the amount of \$50,000; to provide a supplemental appropriation to the Department of Human Resources from the State General Fund in the amount of \$921,500; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund; to provide a supplemental appropriation in the amount of \$630,000 from the Public Service Commission Fund to the Public Service Commission; to appropriate the sum of \$150,000 from the Multiple Needs Children Fund to the Alabama Children's Services Facilitation Team; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following agencies the following amounts from the State General Fund for the fiscal year ending September 30, 1995:

Department of Corrections .....	5,000,000
Attorney General .....	1,200,000
Ethics Commission .....	150,000
Department of Agriculture and Industries .....	100,000
To be used for the Poultry Diagnostic Laboratory Unified Judicial System .....	1,750,000
Department of Youth Services .....	921,500
To be used to continue the funding of Juvenile Probation Officers subsidy program.	

Section 2. The appropriations made in Act No. 94-486 passed in the 1994 Regular Session to the following agencies from the State General Fund are hereby reduced by the following amounts for the fiscal year ending September 30, 1995:

Forestry Commission .....	400,000
Department of Transportation .....	700,000
Alabama Development Office .....	500,000
Department of Conservation .....	300,000
Department of Finance .....	200,000
Farmers' Market Authority-Capital Outlay .....	136,646
Agriculture and Industries .....	100,000
Veterans Affairs .....	72,287
Commission on Aging .....	70,000

Military Department .....	41,500
Emergency Management Agency .....	30,000
Registration of Voters .....	100,000
Election of Voters .....	100,000
Fair Trial Tax Transfer .....	200,000

Section 3. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Corrections, Institutional Services Corrections Program in the amount of \$300,000 is no longer mandated to be expended for boot camp expenditures.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$4,500,000 to the Department of Corrections from Corrections' Miscellaneous Revenues for the fiscal year ending September 30, 1995.

Section 5. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated the sum of \$921,500 from the State General Fund to the Department of Human Resources for the fiscal year ending September 30, 1995.

Section 6. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Aeronautics, Airport Improvement Program is hereby Estimated and can be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautics facilities in the state of Alabama.

Section 7. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Social Work Examiners Fund to the Board of Social Work Examiners the sum of \$15,000 for the fiscal year ending September 30, 1995.

Section 8. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Veterinarian Medical Examiners Fund to the Board of Veterinary Medical Examiners the sum of \$60,000 for the fiscal year ending September 30, 1995.

Section 9. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Department of Transportation the sum of \$21,604,827 from the Public Road and Bridge Fund, \$20,104,827 of which is to be used for Federal Aid Matching and \$1,500,000 to be used for transfer to the Department of Public Safety for Traffic Law Enforcement for the fiscal year ending September 30, 1995.

Section 10. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Department of Public Safety the amount of \$1,500,000 as a transfer from the Public Road and Bridge Fund and the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995.

Section 11. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$110,000 to the Tennessee Valley Exhibit Commission from the Tennessee Valley Exhibit Commission Fund for the fiscal year ending September 30, 1995.

Section 12. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$300,000 to the Home Builders Licensure Board from the Home Builders Recovery Fund for the fiscal year ending September 30, 1995.

Section 13. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$224,362 for the fiscal year ending September 30, 1995.

Section 14. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Alabama Indian Affairs Commission from the State General Fund is hereby reduced by the sum of \$150,000 for the fiscal year ending September 30, 1995.

Section 15. The appropriation made in Act No. 92-621 passed in the 1992 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$85,205 for the fiscal year ending September 30, 1995.

Section 16. In addition to all appropriations made heretofore or hereafter, there is hereby appropriated the sum of \$50,000 from the Farmers' Market Authority Fund to the Farmers' Market Authority for the fiscal year ending September 30, 1995.

Section 17. The conditional appropriation language relating to court costs made in Act 94-486 passed in the Regular Session of 1994 to the Unified Judicial System from the State General Fund is hereby amended as follows:

"Of the above appropriation for the Court Operations Program, \$750,000 shall be conditioned upon deposits to the State General Fund from court costs and fines equaling or exceeding \$40,500,000 for the 1994-95 fiscal year. The conditional appropriation of \$750,000 may be released

on a quarterly basis if the Director of Finance certifies each quarter that deposits to the State General Fund from court costs and fines are being deposited at the rate necessary to reach \$40,500,000 by September 30, 1995. During any quarter the Director of Finance may, in addition to certifying and releasing funds for that quarter, certify and release funds for any previous quarter for which he did not certify and release funds.”

Section 18. In addition to all appropriations heretofore or hereafter made, there is hereby appropriated \$25,000 to the District Attorneys from the State General Fund for use in the District Attorney’s Office in the 33rd Circuit.

Section 19. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$35,000 to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund for the fiscal year ending September 30, 1995.

Section 20. The transfer of \$2,000,000 from the Alcoholic Beverage Control Board to the Department of Public Safety made in Act No. 94-486 passed in the 1994 Regular Session is no longer mandated to be transferred. Furthermore, the appropriation to the Department of Public Safety from the ABC transfer is reduced \$2,000,000.

Section 21. The appropriation and transfer language made in Act No. 94-486 passed in the 1994 Regular Session to the Public Service Commission under the “Administrative Services Program” is hereby amended to read as follows:

“The above appropriation includes a transfer to the State General Fund of \$2,130,000.”

Section 22. In addition to all other appropriations heretofore or hereafter made, there is also appropriated to the Public Service Commission the sum of \$630,000 from the Public Service Commission Fund for the fiscal year ending September 30, 1995.

Section 23. There is hereby appropriated from the Multiple Needs Children Fund to the Alabama Children’s Services Facilitation Team the sum of \$150,000 for the fiscal year ending September 30, 1995.

Section 24. All laws or parts of laws which conflict with this act are hereby repealed.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



Senator Barron then offered the following amendment to the substitute for the Bill, HB 233, to-wit:

**BARRON AMENDMENT TO SUBSTITUTE FOR HB 233**

Amend the substitute for HB 233 on page 1, line 12 and on page 4, line 1 by striking the figure “\$2,750,433;” and inserting in lieu thereof the figure “\$2,950,433;”.

Which was adopted.

Senator Bailey offered the following amendment to the substitute, as amended, for the Bill, HB 233, to-wit:

**BAILEY AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR HB 233**

Amend the substitute, as amended, for HB 233 on page 1, line 10 and on page 3, line 25 by striking the figure “\$9,121,500” and by inserting in lieu thereof the figure “\$10,121,500”.

Further amend the substitute, as amended, on page 1, line 12 and on page 4, line 1 by striking the figure “\$2,950,433” and by inserting in lieu thereof the figure “\$3,950,433”.

Further amend the substitute, as amended, on page 6, line 13 by striking the figure “921,500” and by inserting in lieu thereof the figure “1,921,500”.

Further amend the substitute, as amended, on page 7, line 10 by striking the figure “200,000” and by inserting in lieu thereof the figure “1,200,000”.

Senator Freeman moved that said amendment be laid on the table, which motion was lost.

Yeas 4 Nays 21

Yeas:

Senators:

Barron, Freeman, Lindsey, and Mitchell

- 4

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Butler, Denton, Ghee, Hale, Hill, Langford, Little, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-21

And said amendment was then adopted.

Senator Biddle offered the following amendment to the substitute, as amended, for the Bill, HB 233, to-wit:

**BIDDLE AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR HB 233**

Amend the substitute, as amended, for HB 233 on page 6, line 22 by striking the figure "400,000" and inserting in lieu thereof

"200,000"

Further amend the substitute, as amended, on page 1, line 12 by striking the figure "3,950,433" and inserting in lieu thereof the figure

"3,750,433"

Further amend the substitute, as amended, on page 4, line 1 by striking the figure "3,950,433" and inserting in lieu thereof the figure

"3,750,433"

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 116.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the fore-

going Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 234. RELATIVE TO MEETING DAYS.**

GREG PAPPAS,  
Clerk.

### SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF HB 233

The Senate proceeded to further consideration of the Bill, HB 233, as amended. The question was on the Barron substitute, as amended.

Senator Butler offered the following amendment to the substitute, as amended, for the Bill, HB 233, to-wit:

#### **BUTLER AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 233**

Amend the substitute, as amended, for HB 233 on page 6, line 5 by striking the figure "5,000,000" and inserting in lieu thereof the figure "4,000,000".

Further amend the substitute, as amended, on page 6 after line 11 by inserting the following language:

"Department of Agriculture and Industries ..... 1,000,000  
To be used for the Boll Weevil Eradication program."

On motion of Senator Barron, said amendment was laid on the table.

Senator Denton offered the following amendment to the substitute, as amended, for the Bill, HB 233, to-wit:

**DENTON AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR HB 233**

On page 12 after line 6 by inserting the following:

“Section 24. In addition to all other appropriations heretofore and hereafter made, there is hereby conditionally appropriated to the Department of Transportation an amount to be determined by the Director of Finance not to exceed \$300,000 from the State General Fund for the fiscal year ending September 30, 1995. This appropriation is conditioned upon the Department of Transportation’s obligation to Amtrak exceeding \$650,000 for services during the 1994-95 fiscal year.”

And renumber the succeeding sections accordingly.

Which was adopted.

Senator Little offered the following amendment to the substitute, as amended, for the Bill, HB 233, to-wit:

**LITTLE AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR HB 233**

Amend the substitute, as amended, for HB 233 on Page 7, Line 23, by striking the figure “921,500” and inserting in lieu thereof the figure

“1,000,000”

Further amend the substitute, as amended, on Page 3, Line 9, by striking the figure “921,500” and inserting in lieu thereof the figure

“1,000,000”

Further amend the substitute, as amended, on Page 5, Line 17, by striking the figure “921,500” and inserting in lieu thereof the figure

“1,000,000”

Which was adopted.

Senator Butler offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 233, to-wit:

**BUTLER AMENDMENT NO. 2 TO SUBSTITUTE,  
AS AMENDED, FOR HB 233**

Amend the substitute, as amended, for HB 233 on page 6, line 5 by striking the figure “5,000,000” and inserting in lieu thereof the figure “4,100,000”.

Further amend the substitute, as amended, on page 6 after line 11 by inserting the following language:

“Department of Agriculture and Industries ..... \$900,000  
To be used for the Boll Weevil Eradication program.”

Senator Barron moved that said amendment be laid on the table, which motion was lost.

Yeas 13 Nays 15

Yeas:

Senators:

Armistead, Bailey, Biddle, Davidson, Escott-Russell, Figures, Langford, Lindsey, McClain, Sanders, Smith, Waggoner, and Windom -13

Nays:

Senators:

Adams, Amari, Barron, Butler, Denton, Dixon, Freeman, Hale, Hill, Little, Mitchell, Mitchem, Myers, Poole, and Roberts -15

And said amendment was then lost.

Yeas 10 Nays 21

Yeas:

Senators:

Adams, Butler, Clay, Freeman, Hale, Hill, Little, Myers, Poole, and Roberts -10

Nays:

Senators:

Amari, Armistead, Bailey, Barron, Biddle, Davidson, Denton, Dixon, Escott-Russell, Figures, Langford, Lindsey, McClain, Mitchell, Mitchem, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -21

And said Barron substitute, as thus amended, was then adopted.

Yeas 29 Nays 1

**15th Day**

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nay: Senator Freeman

- 1

And said Bill, HB 233, as thus amended, was read a third time at length and passed.

Yeas 29 Nays 1

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nay: Senator Freeman

- 1

**RESOLUTIONS**

Senator Amari requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 88.** REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO SENATE BILL 417.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, Senate Bill 417, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Senate Bill 417 violate subdivision (6) of Section 104 of the Constitution of Alabama of 1901, relating to granting a charter or franchise to a corporation, association, or individual?

2. Does Senate Bill 417 violate subdivision (9) of Section 104 of the Constitution of Alabama of 1901, relating to exempting individuals,

private corporations, or associations from the operation of a general law?

3. Does the language in Section 104 of the Constitution of Alabama of 1901, "...nothing in this section or article shall affect the right of the legislature to enact local laws regulating or prohibiting the liquor traffic" apply to a local law concerning wine? Is wine a liquor for purposes of Section 104?

4. Does Senate Bill 417 violate Section 105 of the Constitution of Alabama of 1901, in view of the licensing authority of the Alcoholic Beverage Control Board under Chapter 3A (commencing with Section 28-3A-1) of Title 28 of the Code of Alabama 1975, or any other provision of Title 28?

5. Does Senate Bill 417 violate Section 105 of the Constitution of Alabama of 1901, in view of the remedies, award of damages, and jurisdiction specified in Section 12 of the bill?

RESOLVED FURTHER, That the Secretary of the Senate is directed to send sufficient true copies of the pending bill, Senate Bill 417, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Senator Amari, the Resolution was adopted by the Senate.

Senator Waggoner requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 89. COMMENDING THE BIRMINGHAM SOUTHERN BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.**

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature honors the Birmingham Southern Basketball Team for tremendous achievement; and

WHEREAS, under the guidance of Head Coach Duane Reboul, the Birmingham Southern Basketball Team soundly defeated their opponents to prevail victorious as the champions of the NAIA Basketball Championship; and

WHEREAS, through many hours of hard work, dedication, and tenacity, the Birmingham Southern Basketball Team had the longest winning streak in the nation, and finished the season with an impressive record of 35 wins and only 2 losses; and

**15th Day**

WHEREAS, the members of the Birmingham Southern Basketball Team are well deserving of this special recognition, and they are: Chris Armstrong, Obra Carter, James Cason, Nigel Koates, Bo Coln, Tommy Dalley, Dwayne Elliot, Paul Fleming, Todd Larsen, Jay Mitchell, Tom Runnion, Mike Sschwallye, Eddie Walter, Damon Wilcox, and Will Worrell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the coaches and members of the Birmingham Southern Basketball Team, the winners of the NAIA Basketball Championship, and do furthermore direct that a copy of this resolution be provided as evidence of our pride and esteem, and for appropriate presentation and display at Birmingham Southern.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 260.** Relating to trusts, providing further for the powers of trustees.

was taken up.

On motion of Senator Windom, further consideration of the Bill, SB 260, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 384.

Senator Windom, B.I.R., SB 384, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Butler, Davidson, Dixon, Escott-Russell, Freeman, Ghee, Hill, Lindsey, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Waggoner, and Windom -20

Nays:

- 0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 384.** To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

was taken up.

Senator Windom offered the following amendment to the Bill, SB 384, to-wit:

**AMENDMENT TO SB 384**

Page 27, line 24 and line 25, delete the language beginning with the word “immediately” and ending with “law” and insert in lieu thereof:

“for the tax years beginning after December 31, 1994”

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Butler, Davidson, Dixon, Escott-Russell, Freeman, Ghee, Hill, Lindsey, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Waggoner, and Windom -20

Nays:

- 0

And said Bill, SB 384, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 1

Yeas:

Senators:

Armistead, Bailey, Barron, Butler, Davidson, Dixon, Freeman, Hill, Langford, Lindsey, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -20

Nay: Senator Little

- 1

**FURTHER CONSIDERATION OF SB 220**

The Senate proceeded to further consideration of the Bill:

**S. 220.** To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

having been postponed on the Sixth Legislative Day.

Senator Windom offered the following substitute for the Bill, SB 220, to-wit:

**SUBSTITUTE FOR SB 220****A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 32-8-87, Code of Alabama 1975, is amended to read as follows:

“§32-8-87.

“(a) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title who scraps, dismantles, destroys, or changes the motor vehicle in such a manner that it is not the same motor vehicle described in the certificate of origin or certificate of title; shall as soon as practicable cause the certificate of origin or certificate of title, if any, and any other documents or information required by the department to be mailed or delivered to the department for processing. The department shall, with the consent of any holder of liens noted on the surrendered certificate, enter a cancellation upon its records. Upon cancellation of a certificate of origin or certificate of title in the manner prescribed by this section, the department shall cancel all certificates of origin or certificates of title

and all memorandum certificates in that chain of title. A certificate of title for the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content as specified in this section.

"No motor vehicle for which a salvage or junk certificate has been issued by this state or any other state shall be driven or operated on the highways or other public places of this state. ~~However, a~~ A vehicle which is in this state and for which a salvage certificate has been issued, and the vehicle is being restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, may be moved to and from repair points as necessary by the rebuilder to complete the restoration or may be moved as permitted by the department of revenue for inspection or for any other purpose. A valid Alabama dealer ~~transport (DT)~~ license plate ~~must shall~~ be displayed on the vehicle during its movement. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(b) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money or made other monetary settlement as compensation for a total loss of any motor vehicle, ~~such the~~ motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within 72 hours after ~~such the~~ total loss or salvage occurs, make application for a salvage certificate of title and forward to the department the certificate of origin or certificate of title to the motor vehicle, whereupon the department shall process the certificate of origin or certificate of title in a manner prescribed by law or regulation. An insurance company which pays money or makes other monetary settlement as compensation for total loss of a motor vehicle shall at the time of payment or monetary settlement obtain ~~such the~~ vehicle's certificate of origin or certificate of title and, as soon as practicable after receiving them, shall forward them along with their application for a salvage certificate, to the department for processing. In the event the payment or monetary settlement was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall forward the vehicle's properly assigned certificate of origin or certificate of title as provided herein, to the department as soon as practicable after the vehicle is recovered. When a stolen motor vehicle has been reported to the department in compliance with this section and is later recovered, and for which a salvage certificate has been issued, the owner recorded on the salvage certificate shall assign that certificate to the purchaser. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

## 15th Day

“(c) If an insurance company acquires a motor vehicle in settlement of an insurance claim and holds the vehicle for resale and procures the certificate of origin or certificate of title from the owner or lienholder within 15 days after delivery of the vehicle to the insurance company, and if the vehicle was not a total loss as defined by this section, the insurance company need not send the certificate of origin or certificate of title to the department but, upon transferring the vehicle to another person, other than by the creation of a security interest, the insurance company shall complete an affidavit of acquisition and disposition of the motor vehicle on a form prescribed by the department and deliver the certificate of origin or certificate of title, affidavit, and any other documents required by the department to the transferee at the time of delivery of the motor vehicle.

“(d) For the purposes of this section, a total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to ~~any a~~ person when ~~it is deemed to be uneconomical to repair the damaged vehicle~~ a vehicle is damaged and the damage to the vehicle is greater than or equal to 75 percent of the fair retail value of the vehicle prior to damage as set forth in a current edition of a nationally recognized compilation of retail values, including automated data bases, as approved by the department. The compensation for total loss as defined in this subsection shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental, or for anything other than the amount paid for the actual damage to the motor vehicle. A vehicle that has sustained minor damage as a result of theft or vandalism shall not be considered a total loss. Any person acquiring ownership of a damaged motor vehicle that meets the definition of total loss for which a salvage title has not been issued shall apply for a salvage title. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired.

“(e) It shall be unlawful for the owner of any junkyard, salvage yard, or motor vehicle dismantler and parts recycler or his or her agents or employees to have in their possession any motor vehicle which is junk or salvage or a total loss when the manufacturer's vehicle identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, or serial plate(s) or plates have been removed, unless previously required to be removed by a statute or law of this state or another jurisdiction. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

“(f) It shall be unlawful for ~~any a~~ person, firm, or corporation to possess, sell or exchange, offer to sell or exchange, or to give away any certificate of origin, certificate of title, salvage certificate of title,

manufacturer's identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, serial plate(s) or plates, or motor vehicle license plate(s) or plates of any motor vehicle which has been scrapped, dismantled, or sold as junk or salvage or as a total loss contrary to ~~the provisions of~~ this section, and every officer, agent, or employee of ~~any~~ a person, firm, or corporation, and every person who shall authorize, direct, aid in or consent to the possession, sale or exchange, or offer to sell, exchange, or give away such certificate of origin, certificate of title, salvage certificate of title, manufacturer's vehicle identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, serial plate(s) or plates, or motor vehicle license plate(s) or plates contrary to ~~the provisions of~~ this section, shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(g) The department is authorized to issue a salvage certificate of title for a fee of \$15.00, on a form prescribed by the department which shall provide for assignments of this title. ~~Such~~ The salvage certificate of title is to replace a certificate of origin or certificate of title required to be surrendered by this section. The department shall prescribe necessary forms and procedures to comply with ~~the provisions of~~ this subsection.

"(h) It shall be unlawful for ~~any~~ a person to sign as assignor or for ~~any~~ a person to have in his or her possession a salvage certificate of title which has been signed by the owner as assignor without the name of the assignee and other information called for on the form prescribed by the department. ~~Any~~ A person who violates this subsection, upon conviction, shall be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(i) Every owner of a salvage or junk motor vehicle who sells or transfers ~~said~~ the vehicle shall provide at the time of ~~such~~ the sale or transfer a properly executed assignment and warranty of title to the transferee in the space provided therefor on the salvage certificate of title or junk certificate of title or as the department prescribes. ~~Any~~ A person who willfully violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(j) The department may issue a certificate of title to any motor vehicle for which a salvage certificate has been issued by this or any other state, and ~~such~~ the vehicle has, in this state, been completely restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, provided that all requirements of this section have been met. ~~However, no~~ No certificate of title shall be issued for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only."

“(k) Every owner of a salvage motor vehicle designated a 1975 year model and all models subsequent thereto which is in this state and which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall make application to the department for an inspection of the vehicle in the form and content as determined by the department. Each application for inspection of a salvage vehicle which has been so restored shall be accompanied by all of the following:

“(1) The outstanding salvage certificate or out-of-state title previously issued for the salvage vehicle;₂

“(2) Notarized bills of sale evidencing acquisition of all major component parts (listing the manufacturer’s vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer’s vehicle identification number) used to restore the vehicle and bills of sale evidencing acquisition of all minor component parts. Notarization shall not be required on bills of sale for minor component parts; provided, ~~however,~~ that a notarized bill of sale which lists the manufacturer’s vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer’s vehicle identification number, shall be required for a transmission;₂

“(3) Evidence that the owner is a licensed motor vehicle rebuilder as defined in section 40-12-390;₂

“(4) The owner shall also provide a written affirmation which states the following:

“a. ~~He~~ That the owner has rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue;₂

“b. ~~He~~ That the owner personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder;₂

“c. ~~The~~ That the identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered, or defaced;₂

“d. ~~The~~ That the salvage certificate document or out-of-state title certificate attached to the application has not to the knowledge of the owner been forged, falsified, altered, or counterfeited;₂

“e. ~~All~~ That all information contained on the application and its attachments is true and correct to the knowledge of the owner.

“(l) The application fee for each inspection of a restored vehicle shall be \$75.00, payable by certified funds to the department, which ~~must~~ shall accompany the application.

“(1) All ~~such~~ application fees received by the department shall be applied toward the personnel and maintenance costs of the vehicle inspection program and ~~such the~~ vehicle inspection program shall be conducted by the ~~Alabama department of revenue~~, office of investigations and inspections of the department. Upon receipt of the application for inspection, application fee of \$75.00, its supporting documents, and title fee of \$15.00, (payable by certified funds to the department), the department shall require an inspection to be made of the title and the vehicle by qualified agents or law enforcement officers of the ~~Alabama department of revenue~~.

“(2) The inspection and certification shall include an examination of the vehicle and its parts to determine that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, destroyed, or tampered with; that the vehicle information contained in the application for certificate of title and supporting documents is true and correct; and that there are no indications that the vehicle or any of its parts are stolen. ~~Such~~ The certification shall not attest to the roadworthiness or safety condition of the vehicle.

“(m) Component parts are defined as:

“(1) PASSENGER VEHICLES.

“a. Major components:

“1. Motor or engine.

“2. Trunk floor pan or rear section and roof.

“3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.

“4. Cowl, firewall, or any portion thereof.

“5. Roof assembly.

“b. Minor components:

"1. Each door allowing entrance to or egress from the passenger compartment.

"2. Hood.

"3. Each front fender or each rear fender when used with a rear section and roof.

"4. Deck lid, tailgate, or hatchback (whichever is present).

"5. Each quarter panel.

"6. Each bumper.

"7. T-tops, moon roof, or whichever is present.

"8. Transmission or trans-axle.

"(2) TRUCK, TRUCK TYPE, OR BUS TYPE VEHICLES.

"a. Major components:

"1. Motor or engine.

"2. Transmission or trans-axle.

"3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.

"4. Cab.

"5. Cowl or firewall or any portion thereof.

"6. Roof assembly.

"7. Cargo compartment floor panel or passenger compartment floor pan.

"b. Minor components:

"1. Each door.

"2. Hood.

"3. Grill, except on one ton or smaller trucks.



- "4. Each bumper.
- "5. Each front fender.
- "6. Roof panel and rear cab panel.
- "7. Each rear fender or side panel.
- "8. Pickup box.
- "9. Body or bed.

"(3) MOTORCYCLE: COMPONENT PARTS.

- "a. Engine or motor.
- "b. Transmission or trans-axle.
- "c. Frame.
- "d. Front fork.
- "e. Crankcase.

"(n) A salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word "rebuilt." ~~However a passenger vehicle, truck type or bus type vehicle restored with a combination of no more than one major component part, as defined above, and no more than five minor component parts, as defined above; or a combination of no more than six minor component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon. A motorcycle restored with less than two component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon.~~

"(o)(1) Each salvage vehicle restored or rebuilt in this state which is required to be inspected by the department pursuant to subsection (l) of this section and for which a certificate of title may be issued pursuant to subsection (n) of this section shall be issued a decal, plate, or other emblem as prescribed by the department to reflect that the vehicle is rebuilt. The decal, plate, or other emblem shall be attached to the vehicle in a place and in a manner prescribed by the department.

"(2) A person who willfully removes, mutilates, tampers with,

obliterates, or destroys a decal, plate, or other emblem issued and attached to a salvage vehicle pursuant to this subsection is guilty of a Class A misdemeanor punishable as provided by law.

“(p) Each person who sells, exchanges, delivers, or otherwise transfers any interest in any vehicle for which a title bearing the designation “salvage” or “rebuilt” has been issued shall disclose in writing the existence of this title to the prospective purchaser, recipient in exchange, recipient by donation, or recipient by other act of transfer. The disclosure, which shall be made at the time of or prior to the completion of the sale, exchange, donation, or other act of transfer, shall contain the following information in no smaller than 10 point type: “This vehicle’s title contains the designation “salvage” or “rebuilt”.

“(q) Any body shop, motor vehicle repair shop, rebuilder, or other person, firm, or corporation engaged in the business of repairing damage sustained by a motor vehicle as a result of a collision, catastrophe, act of God, or other accident shall, if the total cost of repairs to the damaged vehicle exceeds three thousand dollars (\$3,000), affix to the vehicle a permanent decal, plate, or other emblem, in a form approved by the Department of Revenue, advising that repairs in excess of \$3,000 have been made to the vehicle. The decal, plate, or other emblem shall be attached to the vehicle in a place and in a manner prescribed by the department. The provisions of subsection (n) relating to the circumstances under which the certificate of title shall contain the words “rebuilt” or “salvage” remain applicable notwithstanding the requirements of this subsection.”

Section 2. This act shall become effective June 1, 1996.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Armistead, Bailey, Butler, Davidson, Dixon, Figures, Freeman, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, ~~Smith~~erman, Steele, Waggoner, and Windom

-20

Nays:

- 0

And said Bill, SB 220, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Armistead, Bailey, Butler, Davidson, Dixon, Figures, Freeman, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -20

Nays:

- 0

### **FURTHER CONSIDERATION OF SB 232**

The Senate proceeded to further consideration of the Bill:

**S. 232.** To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

having been postponed on the Sixth Legislative Day. The question was on the Little amendment No. 2.

On motion of Senator Little, said amendment was laid on the table.

Senator Dixon offered the following substitute for the Bill, SB 232, to-wit:

### **SUBSTITUTE FOR SB 232**

#### **A BILL TO BE ENTITLED AN ACT**

To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known and may be cited as the "Disaster Services Volunteer Leave Act of 1995."

Section 2. As used in this act, the following words have the following meanings:

(1) **DISASTER.** Any disaster designated at level IV and above in the American National Red Cross Regulations and Procedures.

(2) **STATE AGENCY.** Any department, office, commission, board,

institution, or other entity of the state, including but not limited to, the Offices of the Clerk of the Supreme Court and clerks of the appellate courts, the several courts of the state, and the Legislature, its committees or commissions.

Section 3. An employee of a state agency who is a certified Disaster Services Volunteer of the American Red Cross may be granted leave from work with pay not to exceed 15 work days in any 12-month period to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross for the services of that employee and upon the recommendation of the employee's agency head and with the approval of the Governor, without loss of seniority, pay, vacation time, sick time, or earned overtime accumulation. The employee's agency shall compensate an employee granted leave under this section at his or her regular rate of pay for those regular work hours during which the employee is absent from work while participating in disaster relief services pursuant to this section. The employee's agency head shall assure that no loss of agency productivity shall result from such recommended and approved leave.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Armistead, Bailey, Butler, Davidson, Denton, Dixon, Figures, Freeman, Hill, Langford, Little, Mitchell, Myers, Poole, Smitherman, Steele, Waggoner, and Windom -18

Nay: Senator Adams

- 1

And said Bill, SB 232, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 1

Yeas:

Senators:

Armistead, Bailey, Butler, Davidson, Denton, Dixon, Figures, Freeman, Hill, Langford, Little, Mitchell, Myers, Poole, Smitherman, Steele, Waggoner, and Windom -18

Nay: Senator Adams

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Freeman, B.I.R., SB 368, adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Armistead, Bailey, Butler, Davidson, Denton, Dixon, Figures, Freeman, Hill, Langford, Little, Mitchell, Myers, Poole, Smitherman, Steele, Waggoner, and Windom -18

Nay: Senator Adams

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 368.** To amend Section 32-7-5 and Section 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Adams, Bailey, Biddle, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Hill, Langford, Little, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, and Windom -20

Nays:

- 0

**FURTHER CONSIDERATION OF SB 58**

The Senate proceeded to further consideration of the Bill:

**S. 58.** To amend Sections 8-14-20, 34-4-6, 34-4-7, 34-4-27, 34-4-30, and 34-4-50 of the Code of Alabama 1975, relating to auctioneers; to provide further for sales at auction; membership on the State Board of Auctioneers; to establish the State Auctioneer's Recovery Fund; to re-

move the bonding requirement; to provide for penalties; and to specifically repeal Sections 8-14-21 and 34-4-24 of the Code of Alabama 1975.

having been postponed on the Fifth Legislative Day.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, SB 58, to-wit:

### **SUBSTITUTE FOR SB 58**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Sections 34-4-6, 34-4-7, 34-4-27, 34-4-30, and 34-4-50 of the Code of Alabama 1975, relating to auctioneers; to provide further for sales at auction; membership on the State Board of Auctioneers; to establish the State Auctioneer's Recovery Fund; to remove the bonding requirement; to provide for penalties; and to specifically repeal Sections 8-14-20, 8-14-21, and 34-4-24 of the Code of Alabama 1975.

On motion of Senator Mitchell, the Rules were suspended and further consideration of the Bill, SB 58, and pending substitute, was postponed subject to the call of the Chair.

### **BUDGET ISOLATION RESOLUTION**

Senator Langford, B.I.R., SB 215, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Denton, Escott-Russell, Figures, Hale, Langford, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -22

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**S. 215.** To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

**15th Day**

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Figures, B.I.R., SB 315, lost for failure to received the required three-fifths of those present and voting.

Yeas 11 Nays 9

Yeas:

Senators:

Biddle, Denton, Escott-Russell, Figures, Ghee, Langford, Mitchell, Sanders, Smitherman, Steele, and Windom -11

Nays:

Senators:

Armistead, Bailey, Dixon, Hill, Little, Myers, Poole, Smith, and Waggoner - 9

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 384.** To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

PAT LINDSEY,  
Chairperson.

**REPORTS OF COMMITTEES**

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari, Armistead, Lipscomb, Smith, Adams, Davidson, Hale, Hill, and Mitchell:

**S. 73.** To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Lipscomb, Hale, Butler, Davidson, Hill, Armistead, Bailey, and Adams (With Substitute):

**S. 283.** Prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari, Dixon, Biddle, Smith, Bailey, Armistead, Adams, Hill, Dial, Lipscomb, Barron, Mitchem, Waggoner, Mitchell, and Myers:

**S. 398.** To provide that appeals from death sentence cases and



from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures (With Substitute):

**S. 314.** To amend Section 11-49-80, Code of Alabama 1975, to further provide that a municipality may assume authority to control, manage, supervise, regulate, repair, maintain, and improve public streets in newly annexed areas.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 448.** Providing a certain preference for certain in-state paper recycling plants purchasing waste paper for recycling purposes from the offices of state departments, agencies, and institutions.

By Senator Mitchell:

**S. 482.** To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to the sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales; and to provide for certain redemption procedures.

By Senator Mitchell:

**S. 502.** To provide for the Uniform Partnership Act of 1995

with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of January 1, 1996.

By Senators Smith, Dial, Adams, Biddle, Hale, Myers, Escott-Russell, Armistead, Roberts, Windom, Davidson, Dixon, Amari, Waggoner, Clay, Freeman, and McClain:

**S. 513.** To amend Section 32-5B-5 of the Code of Alabama 1975, relating to the penalty for violating the seat belt law; to provide that court costs will not be assessed.

By Rep. Knight (J):

**H. 25.** To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

By Rep. Newton (D):

**H. 40.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

By Reps. Page, Petelos, and Morrow:

**H. 94.** To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

By Reps. McMillan, Dukes, Penry, Laird, Dolbare, Layson, Hamilton, Collins, and Reed:

**H. 149.** To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

Senator Ghee, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon, Waggoner, Dial, Amari, Adams, Hale, Myers, Smith, Butler, Little, Davidson, Roberts, and Barron:

**S. 389.** To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dixon:

**S. 285.** To amend Section 17-6-6, Code of Alabama 1975, to provide further for the appointment of election officials.

By Senator Dixon:

**S. 288.** To require voters to present identification at the polling

place; to require the election officials to ascertain the identity of the voter before allowing him or her to vote; and to prescribe penalties for violations of this act.

By Senator Smitherman:

**S. 339.** To amend Sections 17-7-1, 17-8-2.1, and 17-16-40 of the Code of Alabama 1975, relating to elections; to provide further for including the names of candidates and political parties on the general election ballot.

By Senator Poole:

**S. 362.** To propose an amendment to the Constitution of Alabama of 1901, providing that regular sessions of the Legislature in all odd-numbered years shall be limited to subjects pertaining to local legislation, matters of the budgets, and certain other legislation; providing for the subject matter for regular sessions during even-numbered years and allowing certain exceptions; and providing for the duration of sessions.

The above Bill was read a second time at length as required by the Constitution.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hill:

**S. 468.** To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

By Senator Hill:

**S. 469.** To amend Section 9-11-56.2 of the Code of Alabama 1975, relating to the establishment of the annual "Free Fishing Day"; to require for the designation of two dates each calendar year.

By Rep. Turner:

**H. 56.** To authorize the Department of Conservation and Natu-

ral Resources to designate the calendar work week for its law enforcement officers.

By Rep. Turner:

**H. 360.** This bill would require all commercial fishing equipment used in the waters of this state to be affixed with a tag containing the name, address, and social security number or tax identification number of the commercial fisherman, and provide for a penalty.

By Rep. Turner:

**H. 361.** To prohibit the designing, building, or use of wooden fishing boxes with barriers spaced less than an inch apart, and would provide penalties.

By Rep. Turner:

**H. 362.** To amend Section 9-11-88 of the Code of Alabama 1975, prohibiting the use of gill, trammel, or similar type net, in certain waters of the state; to prohibit the use of the devices in fresh waters impounded by the William "Bill" Dannelly Reservoir Dam; to specifically exclude the use of certain hoop nets and wooden boxes from the prohibition of similar type nets; and to provide for misdemeanor penalties for violations.

By Rep. Turner:

**H. 363.** To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

By Rep. Turner:

**H. 365.** To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

By Rep. Turner:

**H. 366.** To amend Section 9-11-56.2 of the Code of Alabama 1975, relating to the establishment of the annual "Free Fishing Day"; to require for the designation of two dates each calendar year.

**15th Day**

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

**S. 299.** Relating to redemption of real property foreclosed under a mortgage or sold by virtue of a judgment, to reduce from one year to 90 days the period of time for the tender of payment or bringing of suit; for this purpose to amend Sections 6-5-248, 6-5-252, and 8-1-172 of the Code of Alabama 1975; and to provide the effective date of this provision.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Rogers (J):

**H. 373.** To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

**S. 407.** To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

By Senator Hale:

**S. 464.** To provide for the examination, certification, registra-

tion, and regulation of septic tank contractors; to set standards of performance; and to prescribe penalties for violation of this act.

By Senator Biddle:

**S. 483.** To amend Section 34-14A-13, Code of Alabama 1975, relating to building permits; to require building officials to issue permits to licensed builders without requiring the disclosure of the subcontractors who will be involved in the construction.

By Senator Biddle:

**S. 484.** To provide for the registration and qualifications of home inspectors in the State of Alabama.

By Senator Biddle:

**S. 485.** To amend Section 34-8-9, Code of Alabama 1975, relating to building permits; to require building officials to issue permits to licensed builders without requiring the disclosure of the subcontractors who will be involved in the construction.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**S. 439.** Relating to pharmacists; to provide for the registration and regulation of pharmacy technicians; and to provide for definitions.

By Senator Escott-Russell:

**S. 517.** To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McKee:

**H. 46.** To repeal Section 8 of Act No. 94-322, S. 282, 1994 Regular Session, now appearing as Section 3-8-1, Code of Alabama 1975, which provides that it is illegal to own, maintain, sell, or trade any canidae or felidae for which there is no USDA licensed rabies vaccine.

By Rep. Carothers:

**H. 187.** To establish the Alabama Nonindigenous Aquatic Plant Control Act under the direction of the Alabama Department of Conservation and Natural Resources; to prohibit the introduction, placement, or the causing of the introduction or placement, of any nonindigenous aquatic plant into any public waters of the state; and to provide misdemeanor penalties for violation of the prohibitions.

Senator Langford, Chairperson of the Standing Committee on Tourism and Marketing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Clay:

**S. 479.** Relating to operators of horse and greyhound racetracks; to authorize televised simulcast programming of racing events; to authorize operators to conduct pari-mutuel wagering on televised racing events; to allow participation in pari-mutuel pools; to provide rules for takeouts from pari-mutuel pools; to increase hours of operation for racetracks; and to repeal Section 11-65-32, Code of Alabama 1975.

Senator Barron, Chairperson of the Standing Committee on Finance and Taxation General Fund, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Barron, Bailey, Amari, and Steele:

**S. 455.** To amend Section 34-27-4 of the Code of Alabama 1975, to provide for the transfer of funds from the Real Estate Commission Proportionate Fund to the Real Estate Research and Education Center; to amend Section 34-27-35 of the Code of Alabama 1975, to provide for a



research and education fee on each licensee; and to amend Section 34-27-31 of the Code of Alabama 1975, to allow the Real Estate Commission to transfer real estate recovery funds under certain conditions to the Real Estate Research and Education Center.

By Rep. Wren:

**H. 202.** To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a lay-off, the appointing authority shall first layoff nonessential employees under contract as determined by a vote of the State Personnel Board and politically appointed employees with the exception of heads of departments, heads of boards, heads of commissions, and heads of authorities. Exceptions will also include unclassified employees and contractors who provide direct patient and health care services.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education Fund, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. McKee, Carns, Hooper, Sanderford, Townsend, Seibenhener, Dean, Penry, McMillan, Wren, Moore, Jorgensen, Maull, Baker, Dolbare, Collins, Pringle, Gipson, Guin, and Morton:

**H. 469.** To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education Fund, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. McMillan, Hooper, Thomas (D), Knight (A), Hill, McKee, Jorgensen, Fuller, Dean, Maull, Baker, Collins, Dolbare, Pringle, Clouse, Penry, Gipson, and Guin (With Substitute):

**H. 468.** To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to imple-

ment a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 10.** To exempt all property owned and used by Habitat For Humanity from any state, county, and local ad valorem taxes.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendment):

**S. 56.** To amend Sections 41-16-50, 41-16-51, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for

recycling between municipalities and counties and those providing the service; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Freeman:

**S. 87.** To reopen the Teachers' Retirement System of Alabama to allow active and contributing members of the system to purchase certain prior service credit for employment in a certain umbrella school of a city school system which was financed by the parents of the pupils attending the school; to provide for payment for the credit; and provide for a termination.

By Senator Freeman:

**S. 289.** To amend Section 40-2A-11, Code of Alabama 1975, to provide for the payment of penalties for failure to timely pay a tax that is due to be paid to the Department of Revenue.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom (With Substitute):

**S. 294.** To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; to increase the minimum franchise tax; and to provide a retroactive effective date.

By Senators Bailey, Adams, Butler, and Freeman (With Substitute):

**S. 449.** To amend Section 40-9B-3, Code of Alabama 1975; to

expand the industrial or research enterprise categories which qualify for tax abatements to include cotton gins; and to provide a retroactive effective date.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

**S. 460.** To amend Section 36-22-63, Code of Alabama 1975, to provide further for purchase of prior service credit in the supernumerary program for sheriffs.

By Senator Bailey (With Amendment):

**S. 470.** To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

By Reps. Turnham, Johnson (R), and Box (With Amendment):

**H. 92.** To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to provide for certain retirees who are elected to public office to continue to draw certain benefits under certain conditions; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with

a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Laird:

**H. 345.** To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama, 1975, relating to retirement benefits of teachers and state employees, to remove the disability reduction factor for members of the Teachers' and Employees' Retirement Systems effective October 1, 1995; and to provide for the payment of full earned benefits prospectively from that date.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton (With Notice and Proof):

**S. 475.** Relating to Lauderdale County; to amend Act No. 79-351, S. 181 of the 1979 Regular Session (Acts 1979, p. 565); to further provide for the fee of the Judge of Probate for celebrating the rites of matrimony; and to provide retroactive effect.

By Senator Smith (With Notice and Proof):

**S. 476.** Relating to the Etowah County Commission; establishing and defining boundaries of the single-member district county governing body, pursuant to the Joint Remedy Proposal, in the court order dated January 30, 1995, and related orders, in Civil Action No. 89-T-459-E in the United States District Court for the Middle District of Alabama, Eastern Division, in the case of Presley et al v. Etowah County Commission; relating to budgetary and expenditure matters for roads and bridges; relating to duties of the commissioners and the county road supervisor; providing for the chair of the commission; and providing that commissioners shall be on a part-time status; providing for the compensation and expenses of the commissioners; and repealing conflicting laws.

By Senator Hale (With Notice and Proof):

**S. 488.** Relating to the City of Cullman; to amend Section 3 of Act No. 93-536, S. 560 of the 1993 Regular Session (Acts 1993, p. 882), to further provide for the election of the Cullman City Board of Education.

**15th Day**

By Rep. Dolbare (With Notice and Proof):

**H. 1.** Relating to Washington County; requiring the Washington County Tax Collector to be responsible for all delinquent tax collections.

By Rep. Gipson (With Notice and Proof):

**H. 284.** Relating to Autauga County; relating to the compensation and expense allowance for the Sheriff of Autauga County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of the sheriff.

By Rep. Allen (With Notice and Proof):

**H. 302.** Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sims, Boyd, and Johnson (R) (With Notice and Proof) (With Amendment):

**H. 396.** Relating to Talladega County; providing further for the fees of constables.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Dolbare (With Notice and Proof):

**H. 432.** Relating to Washington County; providing for the assessment of an additional fee on all documents submitted for recording in the Probate Court which are subject to a deed or mortgage tax; and providing for the deposit of the funds into the Washington County General Fund

on a monthly basis to be used for general county purposes including, but not limited to, computerization of county courthouse functions.

By Rep. Black (L) (With Notice and Proof):

**H. 452.** Relating to Greene County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

By Rep. Clouse (With Notice and Proof):

**H. 485.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

By Rep. Allen (With Notice and Proof):

**H. 486.** To repeal Act No. 323, H. 514, 1975 Regular Session, relating to compensation increases for certain employees of the Sheriff's Department in Tuscaloosa County.

By Rep. Black (M) (With Notice and Proof):

**H. 497.** Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

By Rep. Millican (With Notice and Proof):

**H. 514.** Relating to Marion County; authorizing the sheriff to operate a jail canteen; authorizing the sheriff to retain profits accruing from the pay telephones, vending machines, and canteen in the county jail in a special fund to be used by the sheriff for law enforcement purposes; and confirming and ratifying certain prior actions.

By Reps. Ford, Page, and Galliher (With Notice and Proof):

**H. 545.** Relating to Etowah County; to provide for the establishment of the Etowah County Community Development Committee; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling vacancies; to provide for the

terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

By Rep. Black (L) (With Notice and Proof):

**H. 546.** Relating to Sumter County; to repeal Act No. 85-471, H. 754 of the 1985 Regular Session (Acts 1985, p. 465), providing supplemental fee allowances for constables and for additional court costs.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 220.** To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

PAT LINDSEY,  
Chairperson.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 232.** To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

PAT LINDSEY,  
Chairperson.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and



House of Representatives, I respectfully report the following Bills delivered to the Governor with the date and hour of delivery, to-wit:

SB 242     SB 317

Delivered to the Governor on June 8, 1995, at 10:45 A.M.

SB 77

Delivered to the Governor on June 8, 1995, at 1:52 P.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### **ADJOURNMENT**

At 4:25 P.M., on motion of Senator Amari, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, June 13, 1995, at 9 o'clock A.M.

